

# ORIGINAL ISLAM

Mālik and the *madhhab* of Madina

Yasin Dutton



## ORIGINAL ISLAM

*Original Islam* investigates the primacy of Madinan Islam and the *madhhab* (school of law) of its main exponent, Mālik ibn Anas. It contains an annotated translation of *Intiṣār al-faqīr al-sālik li-tarjīḥ madhhab al-imām al-kabīr Mālik*, which was written by al-Rāʿī, a fifteenth-century Andalusian scholar resident in Cairo.

This book includes:

- a comprehensive section on the scholarly credentials of the great eighth-century Madinan jurist Mālik ibn Anas
- a detailed examination of a number of theoretical and practical disputed legal issues
- examples of the inter-*madhhab* rivalry and prejudice prevalent in fifteenth-century Cairo
- an extensive introduction giving background information on al-Rāʿī and his life and times.

It also highlights the significance of the text for contemporary Muslim discourse, in which both “modernist” and “fundamentalist” elements often equate the concept of *madhhab* with an outmoded tradition which must be rejected as irrelevant to the practice of Islam in a globalised world. This book aims to put this ongoing controversy about *madhhab*, particularly the Mālikī *madhhab* and its “pre-*madhhab*” Madinan origins, on a surer footing. *Original Islam* provides access to a hitherto little known area of Islamic law and is essential reading for those with interests in this area.

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*Bismillāhi l-rahmāni l-rahīm  
wa-ṣallā llāhu ʿalā Sayyidinā Muḥammadin  
wa-ʿalā ālihi wa-ṣaḥbihi ajmaʿīn*

This book is for the *fuqarāʾ*

“What is the pleasure of life except the company of the  
*fuqarāʾ*?”

They are the sultans, the lords and the princes.”  
(Shaykh Abū Madyan al-Ghawth)



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## NOTES ON THE TEXT

In general, Arabic words have been transliterated and italicised: where the meaning is not given in the text, it will be found in the Glossary. Well-known Arabic place names, such as Makka, Madina and Baghdad, have been spelled without diacritics; otherwise, diacritics are used.

Personal names are presented in various ways in medieval Arabic texts, and often an individual will be referred to in more than one way even in the same text. I have aimed to identify all personages mentioned in the main body of the text in the Biographical notes: where more than one name is used, I have given the alternative, usually abbreviated, versions as well, with cross-references to a main entry. Honorific titles, such as Imam, Shaykh and Ustadh, have been retained in the text but do not appear in the Biographical notes, with the exception of Qadi, which is so frequently associated with particular names that it seemed better not to dissociate it in this particular case. Such honorific titles have been spelled without diacritics and left unitalicised when used before people's names; when used as ordinary substantive nouns, however, diacritics have been used, along with italicisation. A question mark after a name indicates uncertainty as to the spelling of that name in transliteration.

As far as possible, I have tried to abbreviate all bibliographical references. Where a source is commonly known by the name of its author, I have given just the name of the author; where a source is commonly known by its title, I have usually given an abbreviated form of the title: otherwise, a shortened form of both author and title are given. Fuller details, along with the abbreviations used, will be found in the Bibliography.

In general, dates are given with the Hijrī form first, followed by the equivalent in the Christian calendar. Anyone familiar with medieval Arabic biographical sources will recognise the often considerable uncertainty about pinpointing death dates, which can sometimes span a number of possible years: in such instances it is only the first date that is given a Christian equivalent here, on the assumption that any second or subsequent date is easy enough to convert from the information given.

## NOTES ON THE TEXT

For converting dates from the Hijrī to the Christian calendar I have either relied on the bibliographical works of Brockelmann and Sezgin and the *Encyclopaedia of Islam*, or used the tables given in Bacharach's *Middle East Studies Handbook*. Obviously there are many instances where a year in the Hijrī calendar spans the end of one Christian year and the beginning of another: in such instances I have tried to determine which of the two dates is the more correct (especially if the month of an event is given), or I have simply left the matter unresolved. The reader should therefore exercise due caution.



## INTRODUCTION

Ibn Abī Uways said: "I heard Mālik say about the *ḥadīth*, 'The *dīn* began as a strange thing and will go back to being a strange thing, as it began', that it would go back to Madina, as it had begun there."<sup>1</sup>

Mālik said: "The last of this *umma* will only be put right in the same way that the first of them were."<sup>2</sup>

"You cannot say you follow the Salaf if you do not follow the Salaf."

(Shaykh Abdalqadir al-Murabit)<sup>3</sup>

By "original Islam" we do not mean that primal Islam promulgated by Ibrahim and the other prophets throughout time – although that would be a reasonable understanding of the term. Rather, we mean the Islam that was established by the Prophet and his Companions in Madina at the time of the Qur'anic revelation and that was then inherited and transmitted as a fully functioning social pattern by the following generations until its essentials were finally recorded in written form by the Madinan scholar Mālik in his *Muwatta'* in the middle years of the second century AH. We refer therefore to Islam as it was first understood and practised by those who lived in the place where the Prophet lived, at the time he lived there and, following him, those who lived there at the time of the Rightly Guided Caliphs and, following them, those who lived there at the time of the remaining Companions and of the following two generations of the Successors and the Successors of the Successors who were praised by the Prophet in the *ḥadīth*: "The best of you are my generation, then the ones who follow them, then the ones who follow them."<sup>4</sup> As it was from Madina that the Muslims spread out to conquer the surrounding lands and establish Islam there, one can refer to this original, Madinan, Islam – this "*madhhab* of Madina" – as the *umm al-madhāhib*, or "the mother of the *madhhabs*", as it has been



called.<sup>5</sup> (By *madhhab* – which can be translated as “school of law” or, more loosely, as “opinion”, “way [of doing, or understanding, things]” – we refer not so much to later systematisations of the same name, but to the more general concept of “pattern of behaviour” or “practice”, especially, in this case, to the practice of the people of Madina.) This *madhhab*, then, rather than being simply one among others, is, correctly speaking, the source of all the other *madhhabs*. Nevertheless, it remains true that it finds its closest approximation in what is known today as the Mālikī *madhhab*, which is the main focus of this book.

The main bulk of this work consists of a translation of the book entitled *Intiṣār al-faqīr al-sālik li-tarjīḥ madhhab al-imām al-kabīr Mālik* (“Help for the Needy Wayfarer in Giving Preference to the Madhhab of the Great Imam Mālik”), written by the Andalusian Mālikī scholar al-Rāʿī (d. 853/1449). Constructed as a defence of the *madhhab* of Mālik in the inter-*madhhab* rivalry of ninth-/fifteenth-century Egypt, al-Rāʿī’s book covers three main topics: firstly, Mālik the teacher of *ḥadīth* and *fiqh*; secondly, the *uṣūl* (“roots”, “sources”, “bases”) on which Mālik bases his views (i.e. what later became his *madhhab*); and, thirdly, a detailed examination of a number of specific issues on which there was disagreement between the *fuqahāʾ*, and thus between the ensuing *madhhabs*. Al-Rāʿī’s work, therefore, provides a convenient synopsis of what distinguishes the Mālikī *madhhab*, and why, in his opinion, this understanding of the legacy of the Prophet should be granted superiority over the other *madhhabs* agreed upon by the People of the Sunna.

### The *madhhabs* today

In mainstream Sunnī consciousness, there are four equally acceptable *madhhabs*, those of Abū Ḥanīfa (d. 150/767), Mālik (d. 179/795), al-Shāfiʿī (d. 204/820) and Aḥmad ibn Ḥanbal (d. 241/855), known as the Ḥanafī, Mālikī, Shāfiʿī and Ḥanbalī *madhhabs* respectively. There were, of course, as al-Rāʿī tells us, many more than these in the formative period of Islamic law in the first to third centuries AH, such as those of al-Awzāʿī (d. 157/774), al-Layth ibn Saʿd (d. 175/791), Dāwūd al-Zāhiri (d. 270/884), and “the two Sufyāns”, i.e. Sufyān al-Thawrī (d. 161/778) and Sufyān ibn ʿUyayn (d. 198/813), but the aforementioned four are those that the Sunnī community eventually agreed upon as acceptable ways of presenting the formulations of Islamic law and thus of worshipping Allah.<sup>6</sup>

If we also include the non-Sunnī *madhhabs*, we can increase this number from four to eight, by including the Zaydīs, the Ithnā ʿAsharīs (“Twelvers”) and the Ismāʿīlīs among the Shīʿa, and – as sole survivors of anything that might be called a Khārijī *madhhab* – the Ibādīs.<sup>7</sup>

Today these various *madhhabs* are scattered unevenly across the traditional Islamic world, with the Mālikīs dominant in North and West Africa and some parts of the Gulf, the Shāfiʿīs in Egypt, Syria, the Levant, East

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We naturally see the past through the eyes of the present and it is difficult to dissociate ourselves from the classical idea of *madhhab* as one of a number of schools of law that are all equally acceptable. Not only are we conditioned to think of Four Madhhabs (or eight, if we include the others mentioned above), but there is a strong tendency among Muslims today to dismiss the very idea of *madhhab* as a rigid and outmoded concept which, via the institution of *taqlīd* (often considered, incorrectly, as “blind following”), has resulted in the stagnation of Islamic law, and along with it the stagnation of the Muslim community, and which should thus be jettisoned in favour of what is euphemistically referred to as *ittibāʿ* (“following”), i.e. following the *sunna* of the Prophet (almost always understood in the sense of *ḥadīth*), but often ends up with a position which is far removed from any traditional understanding of the *sunna*.<sup>8</sup>

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### The *madhhabs* today

In mainstream Sunnī consciousness, there are four equally acceptable *madhhabs*, those of Abū Ḥanīfa (d. 150/767), Mālik (d. 179/795), al-Shāfiʿī (d. 204/820) and Aḥmad ibn Ḥanbal (d. 241/855), known as the Ḥanafī, Mālikī, Shāfiʿī and Ḥanbalī *madhhabs* respectively. There were, of course, as al-Rāʿī tells us, many more than these in the formative period of Islamic law in the first to third centuries AH, such as those of al-Awzāʿī (d. 157/774), al-Layth ibn Saʿd (d. 175/791), Dāwūd al-Zāhiri (d. 270/884), and “the two Sufyāns”, i.e. Sufyān al-Thawrī (d. 161/778) and Sufyān ibn ʿUyayn (d. 198/813), but the aforementioned four are those that the Sunnī community eventually agreed upon as acceptable ways of presenting the formulations of Islamic law and thus of worshipping Allah.<sup>6</sup>

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## INTRODUCTION

four possible choices (for the traditional Sunnī world, at any rate), but rather as the closest approximation we have to that earliest manifestation of *madhhab* that was the practice of the people of Madina.

This book consists of two main parts. In the first, we give a brief introduction to the author of the *Intiṣār* and to the Mālikī *madhhab* that his book defends. In the second, we present an annotated translation of the *Intiṣār* itself. Appended to the whole is a Glossary, explaining all the (for the most part italicised) Arabic terms used, and a Biographical notes section, giving brief details of all the persons mentioned in the main body of the text.

## Part I THE INTIṢĀR AL-RĀ'Ī AND HIS INTIṢĀR

### AL-RĀ'Ī AND HIS

The author of our text, Shams al-Dīn Muḥammad b. Muḥammad al-Muḥammad al-Rā'ī (d. 1021 H / 1612 AD) was born in or around the year 1000 AD in Granada, the capital of the Nasrid Kingdom in southern Spain. It was there that he grew up and began his education, studying under a number of the most important scholars of his day, among whom the biographical section

1. Abū Ja'far Ahmad b. Ishāq al-Ḥafṣī al-Andalusī, from whom al-Rā'ī learned ḥadīth, and al-ḥaqīq and Arabic grammar.
2. Abū 'Alī 'Aṣṣ, under whom he studied ḥadīth.
3. Abū Ḥallī, the father and uncle of Qasbi, under whom he studied ḥadīth.
4. Abū Muḥammad, a Granadan scholar from whom he learned the *Aḥkām* (or *Ḥawāṣṣ*) on grammar, which al-Muḥammad had learned from Abū Isḥāq Ahmad b. Muḥammad al-Sayyid al-Andalusī, from Qasbi, and 'Abdullāh Muḥammad b. Ḥallī al-Andalusī, from al-Andalus, the *Aḥkām*, and also the *Ḥawāṣṣ* of al-Ḥafṣī al-Andalusī, from Qasbi, who had learned directly from al-Rā'ī.
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## THE AUTHOR OF THE *INTIṢĀR*

### Al-Rā'ī's early life

The author of our text, Shams al-Dīn Muḥammad ibn Muḥammad ibn Muḥammad ibn Ismā'īl al-Rā'ī, was born in or around the year 782/1380 in Granada, the capital of the Naṣrid kingdom in al-Andalus in present-day southern Spain. It was there that he grew up and began his life as a scholar, studying under a number of the most important scholars of his day, among whom the biographers mention:

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- 5 Abū l-Ḥasan 'Alī ibn Muḥammad ibn Sam'at (?) al-Gharnāṭī,<sup>5</sup> whom al-Rā'ī cites as an authority in his *Intiṣār*.<sup>6</sup> Elsewhere, al-Rā'ī mentions having studied under him in the Qaysāriyya Mosque (i.e. the Grand Mosque) in Granada,<sup>7</sup> and how he would go to his house in the countryside near Granada and serve him there.<sup>8</sup>
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The biographers also mention that al-Rā'ī received *ijāzas* from a number of shaykhs,<sup>14</sup> including the following four from the Maghrib:

- 1 Abū l-Ḥasan 'Alī ibn Abdallāh ibn al-Ḥasan al-Judhāmī.
- 2 Qaḍī Qāsim ibn Sa'īd al-'Uqbānī, the Chief Judge of Tlemcen, who, on his way to *hajj* in the year 830/1427, passed through Cairo, where the biographers note that he attended the dictation sessions of Ibn Ḥajar,<sup>15</sup> and where al-Rā'ī may have met him.
- 3 Ibn al-Imām, another scholar from Tlemcen, known for his extensive knowledge of many disciplines, including *fiqh* and *taṣawwuf*.<sup>16</sup>
- 4 Ibn Marzūq al-Ḥafīd ("The Grandson"), also a famous scholar of Tlemcen known for his knowledge of the sciences of both the outward and the inward.<sup>17</sup>

The following four from the East are also mentioned by the biographers:

- 5 Al-Kamāl ibn Khayr, a Mālikī scholar from Alexandria who, in the year 819/1416, towards the end of a long life, went to Cairo, where he taught Qaḍī 'Iyād's *Shifā*, among other books, in the Azhar Mosque.<sup>18</sup>
- 6 Al-Zayn al-Marāghī, a famous *ḥadīth* scholar of Egyptian background who settled in Madina, where he became *imām* and *qāḍī* in the year 809/1406–7 and who, in the years 814–15, towards the end of his life, also spent some time teaching in Makka.<sup>19</sup>
- 7 Al-Zayn al-Ṭabarī, who was born and died in Madina, but spent most of his life in Makka.<sup>20</sup>
- 8 Abū Ishāq Ibrāhīm [ibn Muḥammad ibn Ibrāhīm] ibn al-'Afīf al-Nābulī.

It was from these, and others like them, that he mastered the basic disciplines of *fiqh* and its sources, together with the Arabic language, which was to become his forte and the subject for which he was best known.

For reasons which are not specified, but which may have involved not only the desire to go on *hajj* and study with the scholars of the East but also the desire to do *hijra* from a country which was being progressively taken over by the Christians in their Reconquista, al-Rā'ī left al-Andalus for the East when he was in his early forties.<sup>21</sup> He arrived in Cairo in the year 825/1422, and then, after doing the *hajj*, settled there. He must also have travelled East on at least one earlier occasion, since, as mentioned above, we are told that he received *ijāzas* from two scholars who were based in the Ḥijāz, al-Zayn al-Ṭabarī and al-Zayn al-Marāghī. Since the first of these died in the latter half of 815 AH and the second in 816 – and assuming that the *ijāzas* were granted personally – al-Rā'ī must have visited the Ḥijāz at least once in or before the year 815, the last year when both these scholars were alive.<sup>22</sup>

Apart from the occasional journey further afield, including at least one back to "the West",<sup>23</sup> al-Rā'ī spent the rest of his life in Egypt, where he

died in his living quarters in the Ṣāliḥiyya Madrasa<sup>24</sup> in the year 853/1449–50. The *janāza* prayer was done for him in the Azhar Mosque and he was buried in the "Ṣaḥrā", or Desert Plain to the east of the city,<sup>25</sup> near the tomb of the famous *ḥadīth* scholar Zayn al-Dīn al-'Irāqī.

### Al-Rā'ī in Cairo

In Cairo, al-Rā'ī's life was primarily that of a teacher, particularly of the Arabic language. We do not know exactly where he taught, but, in addition to having living quarters in the Ṣāliḥiyya Madrasa, where he presumably spent a fair amount of time and may well have done some teaching, we are told that he was *imām* of the Mu'ayyadiyya Madrasa "for a time" (*amma bi-l-Mu'ayyadiyya waqtan*).<sup>26</sup> This latter mosque-madrasa complex had been built only shortly before al-Rā'ī's arrival in Cairo by the Mamluk sultan al-Mu'ayyad Shaykh between 819/1416 and 824/1421<sup>27</sup> and, due to lavish endowments from this sultan, it became, in Petry's words, "one of the prominent academic institutions of the fifteenth century [= ninth century AH]".<sup>28</sup> It was for the four schools of law and was dedicated specifically to Sufi students. (We note here, contrary to the assumptions of many today, the complete compatibility between Sufism and *fiqh*.) In addition to professorial chairs in each of the four *madhhabs*, one of the associated appointments was an *imām* to lead the public prayer, and this was presumably the appointment that al-Rā'ī held.<sup>29</sup>

While in Cairo al-Rā'ī naturally also took the opportunity to benefit from the great 'ulamā' who were living there at the time. It was in Cairo that he met and studied under the great Ibn Ḥajar (d. 852/1449), who has been described as "the most eminent Egyptian 'ālim of the age"<sup>30</sup> and "possibly the single most important scholar of the later Middle Ages",<sup>31</sup> and among whose many appointments was that of being the first professor of Ṣāfi'ī *fiqh* in the same Mu'ayyadiyya Madrasa where al-Rā'ī became *imām*.<sup>32</sup> As Ibn Ḥajar began this appointment in 822/1419 and seems to have been still teaching there at the time of al-Rā'ī's arrival in Cairo,<sup>33</sup> we may even surmise that it was Ibn Ḥajar's presence in the Mu'ayyadiyya that highlighted this *madrasa* for al-Rā'ī. Ibn Ḥajar later became Chief Judge in Cairo, as well as *khaṭīb* in the Azhar Mosque and, later, *khaṭīb* in the Mosque of 'Amr ibn al-'Āṣ.<sup>34</sup> Al-Rā'ī refers to him frequently in the *Intiṣār*, and always with the greatest respect.

Other scholars from whom al-Rā'ī benefited in Cairo who are mentioned by the biographers include the *ḥadīth* scholar al-Shihāb al-Matbūlī; Ibn al-Jazarī, the famous scholar of *qirā'āt*;<sup>35</sup> and Ṣāliḥ al-Zawāwī, who, like al-Rā'ī, had journeyed East from the Maghrib and settled in Cairo, and who, again like al-Rā'ī, taught in the Mu'ayyadiyya, and whom al-Rā'ī cites directly as an authority in his *Intiṣār*.<sup>36</sup>

Among his students, the biographers make particular mention of:



- 1 Ibn Fahd, i.e. presumably, the noted *ḥadīth* scholar Najm al-Dīn ibn Fahd, who was born in Makka but travelled extensively in the central Islamic lands, including visits to Cairo in 836/1432 and 850/1446, in either or both of which years he could have studied under al-Rā'ī.<sup>37</sup>
- 2 Al-Burhān al-Biqā'ī,<sup>38</sup> a noted Shāfi'ī scholar from Khirbat Rūḥā in Syria but with a somewhat tarnished reputation in the eyes of some.<sup>39</sup> He passed through Cairo to visit Ibn Ḥajar in the year 844/1442, during which visit presumably he studied under al-Rā'ī. He was the author of numerous works (of which Brockelmann, for instance, lists twenty-two titles).<sup>40</sup>
- 3 Ibn al-Muḥibb, a Cairene scholar who was known for his excellence in Arabic, which he had studied under al-Rā'ī, and who became Shaykh of the Mālikīs in the Ṣālihiyya Madrasa. The biographers also mention that he wrote a little (*yasīran*) on the *Mukhtaṣar* of Khalīl, and concentrated on *taṣawwuf* at the end of his life.<sup>41</sup>
- 4 Al-Sanhūrī, who became Shaykh of the Mālikīs during his time in Egypt, and was the author of commentaries on the *Mukhtaṣar* of Khalīl and the *Ājurrūmiyya* of Ibn Ājurrūm.<sup>42</sup>

#### Al-Rā'ī's books

Al-Rā'ī's written output was not large, but the sources name at least eight works:

- 1 *Intiṣār al-faqīr al-sālik li-tarjīḥ madhhab al-imām al-kabīr Mālik*, the subject of the present translation, on the qualities and worth of Mālik and the Mālikī *madhhab*.<sup>43</sup>
- 2 *Al-Ajwiba al-marḍiyya 'an al-as'ila al-naḥwiyya*, which is probably the same as the book referred to by Aḥmad Bābā and al-Maqqarī as *al-Nawāzil al-naḥwiyya*,<sup>44</sup> on grammar.<sup>45</sup>
- 3 A commentary on the famous *Alfiyya* of Ibn Mālik, on grammar, which is presumably the same as the *Futūḥ al-madārik ilā i'rāb Alfiyyat Ibn Mālik* that al-Rā'ī refers to in his *Ajwiba*.<sup>46</sup>
- 4–5 At least two commentaries on the *Ājurrūmiyya*, on grammar, namely a short one entitled *al-Mustaḥṣil bi-l-maṣḥūmiyya* and a longer one entitled *'Unwān al-ifāda*.<sup>47</sup> It is possible that he wrote a third, even longer one called *al-Sharḥ al-kabīr*.<sup>48</sup>
- 6 A commentary on the *Qawā'id* of his shaykh Qadī Qāsim ibn Sa'īd al-Uqbānī (see above) on grammar.<sup>49</sup>
- 7 An abridgement of part of the commentary of his shaykh Ibn Marzūq (see above) on the *Mukhtaṣar* of Khalīl, on *fiqh*, from the section on judgements (*aqḍiya*) until the end of the book.<sup>50</sup>
- 8 A book entitled *al-Faṭḥ al-munīr fī ba'd mā yaḥtāju ilayhi l-faqīr*, on an unspecified subject, referred to by al-Maqqarī.<sup>51</sup>

- 9 He also wrote several poems, a number of examples of which are quoted by the biographers,<sup>52</sup> and two of which are included in the *Intiṣār*.<sup>53</sup> The manuscript of a didactic poem on grammar in the British Library, London, entitled *Masālik al-aḥbāb*, which is attributed by the Library cataloguers (and thus others) to al-Rā'ī, would seem on closer inspection to be an abridgement by his son (otherwise seemingly unknown) of an original *Masālik al-aḥbāb* written by al-Rā'ī in prose.<sup>54</sup>

From this list it is clear that al-Rā'ī's strong point was, as the sources indicate, Arabic language and grammar. However, the presence of the *Intiṣār* in this list, along with his abridgement of Ibn Marzūq's commentary on Khalīl's *Mukhtaṣar*, not to mention the fact that he was appointed *imām* of the Mu'ayyadiyya Madrasa, show that his interests and expertise went well beyond grammar.



## THE *INTIṢĀR* AND ITS SIGNIFICANCE

### The reason for writing the *Intiṣār*

When al-Rāʿī settled in Cairo after his journey to the Ḥijāz, he would have found a city that was well endowed with scholars and institutes of learning that ostensibly supported all four Sunnī *madhhabs*. Al-Maqrīzī (d. 845/1442), for instance, a contemporary of al-Rāʿī, mentions the presence of seventy-three *madrasas* in the Bayn al-Qaṣrayn district of Cairo,<sup>1</sup> fourteen of which were for Shāfiʿīs, four for Mālikīs, ten for Ḥanafīs, three for Shāfiʿīs and Mālikīs, six for Shāfiʿīs and Ḥanafīs, one for Mālikīs and Ḥanafīs, and four for all four *madhhabs*; two others are described specifically as *dār al-ḥadīth* ("house of *ḥadīth*"), while the *madhhab* of twenty-five is not mentioned and four remained unfinished.<sup>2</sup> Al-Rāʿī himself, as we have seen, had living quarters in the Ṣāliḥiyya Madrasa, which was the first in Egypt where *fiqh* was taught according to all four Sunnī *madhhabs*, and he was *imām* in the Muʾayyadiyya Madrasa which was also for all four *madhhabs*.<sup>3</sup> However, despite this rather cosmopolitan environment as far as the *ʿulamāʾ* were concerned, it remained the case that the Shāfiʿī *madhhab* was the dominant one, as it had been from the time when Ṣalāḥ al-Dīn al-Ayyūbī ousted the then Shiʿite judges in 566/1170.<sup>4</sup> Al-Rāʿī makes it quite clear that most of the notables and government officials were Shāfiʿīs; and, as might be expected, so too were most of the common people. What al-Rāʿī objected to, however, was not that one *madhhab* should be dominant, but that both the common people and the *ʿulamāʾ* should show so much ignorance and prejudice about the different *madhhabs*. As he himself says:

My reason for writing this book is that I have heard many Mālikī students – may Allah increase their numbers – complaining of the amount of prejudice, ignorance, and shameless and unacceptable words they hear coming from the proponents of other *madhhabs* in this land [of Egypt] against the *madhhab* of the Imam of the Imams of the Muslim community, [...] Mālik ibn Anas – may Allah be pleased with him. I have seen that most of the Mālikī students in

this land are poor and destitute, and do not possess books of history that would help them to argue for their *madhhab* and give preference to their imam. I have also seen many important and respected proponents of other *madhhabs* going along with such bigoted partisans and considering it a meritorious act to relegate Mālik to a lesser position, which, in their view, should be to a third level [behind al-Shāfiʿī and Abū Ḥanīfa]. I have therefore decided to collect together for them in this book a short selection of what both the earlier and later generations have said about [Mālik] and to mention, if Allah wills, the testimony of the Messenger, may Allah bless him and grant him peace, with regard to the *ʿālim* of Madina, Mālik ibn Anas – may Allah have mercy on him – and also some of what the three imams and others have said with regard to giving preference to Mālik and to the knowledge of the people of Madina – may Allah be pleased with them – so that they may be able to use it against those who attack them and resort to unacceptable behaviour and bigotry against them.

[...]

My aim in this is to clarify the truth, and to guide unbiased people of excellence and *dīn* among the proponents of the other *madhhabs* to the right path, and to help those poor Mālikīs against the people of evil, ignorance and bigotry.

It is thus clear that, despite the presence of learned men in the city who understood the reason for the differences between the *madhhabs*, the common people – and many so-called scholars as well – were for the most part dominated by their prejudices when it came to *madhhab* matters. However, although Cairo at that time was predominantly a Shāfiʿī city, the Mālikī influence that had been dominant there in the early days had not completely disappeared. Not only had several Mālikī scholars from the West settled there in the same way that al-Rāʿī did, but there was clearly a continuing minority of Mālikī students living there and studying under the Mālikī shaykhs associated with the various *madrasas*. It was for these that al-Rāʿī ostensibly wrote his book, although he presumably also intended to make a more general statement about the merits of the Mālikī *madhhab* and the *ʿamal* of the people of Madina.

### The book's significance

Although al-Rāʿī's book can be seen as a defence of one *madhhab* out of four, its significance in fact goes further than that. For, as pointed out earlier, the Mālikī *madhhab*, although by al-Rāʿī's time presented as one option out of four, is in fact the closest representative among the *madhhabs* to that original "*madhhab* of Madina", which is the necessary origin of



all the other *madhhabs*, since “the Qur’an”, as al-Rā’ī quotes Mālik as saying, “was not revealed on the Euphrates” – nor, as he himself adds, on the Nile.<sup>5</sup> In other words, the other *madhhabs*, with their “foreign” centres of origin, did not have that same link back with Madina that the Mālikī *madhhab* had.

### The rise of the *madhhabs*

At this point, we may return to the question raised in the Introduction, namely: How did the different *madhhabs* arise? Simplifying, we may note that all the *madhhabs*, whatever their differences in detail, purport to be based on “the Book and the *sunna*”, i.e. the Qur’an, or Book of Allah, and the *sunna* of the Prophet. However, although there was – and is – general agreement about the text of the Qur’an and its basic judgements, there was considerable disagreement when it came to interpretation of the details of this agreed text.

With the *sunna*, the situation was – and is – even more diverse. For most Muslims today – and indeed probably for at least the past millennium if not considerably more – the *sunna* of the Prophet is seen as exclusively recorded in the *ḥadīth* of the Prophet, and thus is primarily a written, textual source alongside the Qur’an, preserved in the books of *ḥadīth*, such as the two *Ṣaḥīḥs* of al-Bukhārī (d. 256/870) and Muslim (d. 261/875), which are mainly the product of the third century AH. For Mālik, however, and other early scholars of the second century AH, *sunna* was not co-terminous with *ḥadīth*. Rather, *sunna* was a lived reality, a practical expression of a general principle or precept which might or might not be recorded in the form of a *ḥadīth*.<sup>6</sup> Thus we find Mālik, for example, distinguishing in his *Muwattaʾ* between the two terms: *sunna* is the agreed practice of the community, reflected in their *‘amal*, or practice, as in the phrase *al-sunna allatī lā ikhtilāfu fīhā ‘indanā* (“the *sunna* about which there is no disagreement among us”), whereas a *ḥadīth* is simply a report, as when, for example, he relates a report about Marwān from both al-Qāsim ibn Muḥammad and Sulaymān ibn Yasār and then says that Marwān said such-and-such “according to the *ḥadīth* of al-Qāsim” and such-and-such “according to the *ḥadīth* of Sulaymān”.<sup>8</sup>

But this non-textual understanding of *sunna*, as transmitted by *‘amal* rather than *ḥadīth*, posed problems. For, contrary to the later, formalised system of authentication-by-*isnād*, this “living” *sunna* had no obvious chain of authority. Al-Shāfi‘ī, in his *Kitāb al-Umm*, approvingly quotes the Iraqi jurist Abū Yūsuf as saying that the Hijāzīs, “when asked for the authority for their doctrine, reply that it is the *sunna*, whereas it is possibly only the decision of a market-inspector (*‘āmil al-sūq*) or some provincial agent (*‘āmilun mā min al-jihāt*).”<sup>9</sup> And al-Shāfi‘ī himself asks, “Whose *‘amal* is it by whose authority you go against the *sunna* of the Messenger of Allah?”

Similarly, he says elsewhere, “If only I knew who these people are whom I do not even know to have been born but whose lack of *‘amal* and unawareness [i.e. presumably, ignorance of, or refusal to act by, a *ḥadīth*] are used as an authoritative argument!”<sup>11</sup> Mālik’s answer – and it is the same answer that is developed by ‘Iyād and quoted from him by al-Rā’ī – is that this practical, experiential knowledge of the *sunna* that the Madinans had is stronger and more authoritative than *ḥadīth*. Thus, as al-Rā’ī reminds us, when Mālik was asked by Abū Yūsuf about the Madinan way of calling the *adhān*, and why it differed from the *ḥadīth* reports that he knew, he replied:

I do not know anything about the *adhān* of a day or a night. Here is the mosque of the Messenger of Allah, may Allah bless him and grant him peace, where the *adhān* has been called since his time without anyone ever recording any objection to how the *adhān* is called here.<sup>12</sup>

In ‘Iyād’s transmission in his *Madārik*, Mālik adds: “Does this need ‘So-and-so from so-and-so’? This is more authentic in our opinion than *ḥadīth*.”<sup>13</sup>

On a rather more detailed point, Mālik records how Ibn Mas‘ūd (d. 32/652), the most learned scholar in Kufa in his time, had given a *fatwā* that it was acceptable for a man to marry the mother of a previous wife of his, as long as his marriage to the daughter had never been consummated, based on his understanding of the implications of the relevant Qur’anic verse:

And [prohibited for you are] the mothers of your wives, and your step-daughters who are in your care [who are the daughters] of wives of yours with whom you have consummated your marriage; [but] if you have not consummated your marriage with them there is no harm in you marrying them.

(Q.4:23)

He then visited Madina and asked about the situation, and learned that, among the scholars in Madina, such a marriage was not allowed, since the exceptive clause at the end of the verse (i.e. “if you have not consummated your marriage with them there is no harm in you marrying them”) referred only to the phrase “your step-daughters” and not to “the mothers of your wives” at the beginning of the verse. So when he returned to Kufa, the first thing he did, before even entering his house, was to go to the man to whom he had given the *fatwā* and tell him that he had to separate from his wife, since it was not lawful for him to be married to her.<sup>14</sup>

Thus for Mālik and those following him, the authenticity of the Madinans’ communal experience of the *dīn* was not in question. Madina was the source, and Kufa only an offshoot occasioned by the move of the seat of the



caliphate there in the time of the fourth of the four Rightly Guided Caliphs, ʿAlī, in the year 36 AH. (The seat of the caliphate moved a second time in the time of Muʿāwīya, to Syria, but the links with Madina were much stronger there, although there is evidence of an independent Syrian school arising in the form of the *madhhab* of al-Awzāʿī, which survived with the move of the Umayyads into al-Andalus, and remained there for some time until the *madhhab* of Mālik was introduced there.)<sup>15</sup>

As al-Rāʿī reminds us, when al-Shāfiʿī arrived in Egypt, he is said to have commented that he would unify the “two groups”, or factions, referring to the followers of Madinan and Iraqi (Kufan) *fiqh*.<sup>16</sup> This implies that Islamic law at this time was manifest for the most part in the two differing approaches of the scholars of Madina and Iraq. But if Madina was the origin, how then did the Iraqi school come about?

The answer lies in demography. At the time of the death of the Prophet there were, in the words of ʿUbaydallāh ibn ʿAbd al-Karīm al-Rāzī, “twenty thousand weeping eyes”, i.e. ten thousand Companions.<sup>17</sup> Of this number, the vast majority remained in Madina, and only a few went to Iraq to live, and even fewer to teach – Ibn Masʿūd being the main representative of these few. And, as Rabīʿa put it in his famous statement, quoted by al-Rāʿī, “One thousand from one thousand is preferred by me to one from one. One from one would tear the *sunna* right out of your hands.”<sup>18</sup> “One thousand from one thousand” was Madina; “one from one” was Iraq.

Not only was it numerically weaker, but this “one from one” also led to a necessary reliance on the relatively limited number of reports that were circulating among the scholars in Iraq, thus leading, as Ibn Khaldūn confirms, to a greater need for analogy (*qiyās*) to cover new situations as they arose.<sup>19</sup> It is also said that fabrication of *ḥadīths* was rife in Iraq – which Mālik, for instance, refers to as the *dār al-ḍarb*, or “minting-house [of *ḥadīth*]”<sup>20</sup> – and that the *ʿulamāʾ*, being aware of this, preferred to avoid *ḥadīths* unless they were absolutely sure of their provenance. As the well-known saying goes, attributed to Mālik’s teacher, Ibn Shihāb al-Zuhrī, and also quoted from Mālik: “*Ḥadīths* leave us as a hand-span [in amount] and come back to us as a cubit.”<sup>21</sup>

So, where the original Madinan (later Mālikī) form of the law is based primarily on what the people in Madina were doing, the early Iraqi (later Ḥanafī) school of law is characterised by an extensive use of analogy on a relatively small number of texts.

### Al-Shāfiʿī’s influence

Al-Shāfiʿī was born in the year that Abū Ḥanīfa died, 150 AH. He began his studies in Makka and then went to Madina to study under Mālik – in particular to study his *Muwattaʾ*, which al-Shāfiʿī was later to describe as the most accurate book on the face of the earth after the Qurʾan.<sup>22</sup>

After Mālik’s death in 179 AH, al-Shāfiʿī travelled – first to the Yemen, then to Baghdad (Iraq), then to Makka again, then to Iraq again, and then, finally, after another short stay in Makka and a return to Baghdad, to Egypt, where he stayed until he died in 204 AH.<sup>23</sup> During his travels he saw the differences between the Muslims in their *fiqh*, and he saw these differences becoming greater. But were not the Muslims one *umma*, and did they not have one Book and one Prophet? Couldn’t there be – shouldn’t there be – only one definitive interpretation of the law?

What al-Shāfiʿī came up with was a brilliant synthesis, but one which ended up being a third position: the Shāfiʿī *madhhab*. He said “Yes” to the Qurʾan and “Yes” to the *sunna*, but subtly changed the way that this *sunna* was to be understood. He effectively said, “How can we know what it was that the Prophet, *ṣallā-llāhu ʿalayhi wa-sallam*, said and did, so that we in turn can put it into practice?” His answer was, “Through the science of *ḥadīth*.” In other words, if one has an authentic *ḥadīth*, with a known *isnād* of impeccable narrators so that one *knows* that it goes back to the Prophet, *ṣallā-llāhu ʿalayhi wa-sallam*, then that is what one has to follow. Anything else, any other claim to *sunna*, cannot be accepted.

Now, that is not the same as Mālik’s position. For him, it was perfectly possible for a *sunna* not to be backed up by a *ḥadīth* at all, and perhaps even to be at variance with a sound, authentic, impeccably narrated *ḥadīth*, and even one that he himself narrates. Thus we have, for example, Mālik’s judgement that it is better to pray the *farḍ* prayers with one’s hands hanging by one’s sides (known as *sadl al-yadayn*), even though he himself relates two authentic *ḥadīths* in the *Muwattaʾ* that seemingly indicate that one should clasp the hands in front of one (known as *qabḍ*) and no *ḥadīths* suggesting the other position.<sup>24</sup> So the Madinan concept of the *sunna* of the Prophet, or rather of how to arrive at knowledge of that *sunna*, was not at all the same as that of Imam al-Shāfiʿī’s “*sunna* = authentic *ḥadīth*”, and so it is that there are many Madinan judgements which are understood to be authentic *sunna* but which seem to go against authentic *ḥadīth*.<sup>25</sup>

Furthermore, if we use for a moment the language of the *ḥadīth* sciences, it is well known that Mālik would accept, and base judgements on, *mursal ḥadīths* (i.e. ones with a “link”, especially the Companion-link, missing), or – even worse from the technical point of view – *balāghāt ḥadīths* (i.e. ones where no chain is mentioned at all), both of which types were considered technically “weak” from the later, post-Shāfiʿī, viewpoint of the scholars of *ḥadīth* which demanded an unbroken *isnād* for a *ḥadīth* to be acceptable. For broadly similar reasons to those of the Madinans, many Iraqi (Ḥanafī) judgements were also based on *mursal*, and therefore “weak”, *ḥadīths*, and many sound *ḥadīths* were “rejected”, i.e. not acted upon, by them.<sup>26</sup>

Al-Shāfiʿī, however, took the position: “If the *ḥadīth* is sound [i.e. has a complete and reliable *isnād*], that is my *madhhab*.”<sup>27</sup> And so *sunna* became redefined as authentic *ḥadīth*.



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### Al-Shāfi'ī's influence

Al-Shāfi'ī was born in the year that Abū Ḥanīfa died, 150 AH. He began his studies in Makka and then went to Madina to study under Mālik – in particular to study his *Muwatta'*, which al-Shāfi'ī was later to describe as the most accurate book on the face of the earth after the Qur'an.<sup>22</sup>

After Mālik's death in 179 AH, al-Shāfi'ī travelled – first to the Yemen, then to Baghdad (Iraq), then to Makka again, then to Iraq again, and then, finally, after another short stay in Makka and a return to Baghdad, to Egypt, where he stayed until he died in 204 AH.<sup>23</sup> During his travels he saw the differences between the Muslims in their *fiqh*, and he saw these differences becoming greater. But were not the Muslims one *umma*, and did they not have one Book and one Prophet? Couldn't there be – shouldn't there be – only one definitive interpretation of the law?

What al-Shāfi'ī came up with was a brilliant synthesis, but one which ended up being a third position: the Shāfi'ī *madhhab*. He said "Yes" to the Qur'an and "Yes" to the *sunna*, but subtly changed the way that this *sunna* was to be understood. He effectively said, "How can we know what it was that the Prophet, *ṣallā-llāhu 'alayhi wa-sallam*, said and did, so that we in turn can put it into practice?" His answer was, "Through the science of *ḥadīth*." In other words, if one has an authentic *ḥadīth*, with a known *isnād* of impeccable narrators so that one *knows* that it goes back to the Prophet, *ṣallā-llāhu 'alayhi wa-sallam*, then that is what one has to follow. Anything else, any other claim to *sunna*, cannot be accepted.

Now, that is not the same as Mālik's position. For him, it was perfectly possible for a *sunna* not to be backed up by a *ḥadīth* at all, and perhaps even to be at variance with a sound, authentic, impeccably narrated *ḥadīth*, and even one that he himself narrates. Thus we have, for example, Mālik's judgement that it is better to pray the *farḍ* prayers with one's hands hanging by one's sides (known as *sadl al-yadayn*), even though he himself relates two authentic *ḥadīths* in the *Muwatta'* that seemingly indicate that one should clasp the hands in front of one (known as *qabḍ*) and no *ḥadīths* suggesting the other position.<sup>24</sup> So the Madinan concept of the *sunna* of the Prophet, or rather of how to arrive at knowledge of that *sunna*, was not at all the same as that of Imam al-Shāfi'ī's "*sunna* = authentic *ḥadīth*", and so it is that there are many Madinan judgements which are understood to be authentic *sunna* but which seem to go against authentic *ḥadīth*.<sup>25</sup>

Furthermore, if we use for a moment the language of the *ḥadīth* sciences, it is well known that Mālik would accept, and base judgements on, *mursal ḥadīths* (i.e. ones with a "link", especially the Companion-link, missing), or – even worse from the technical point of view – *balāghāt ḥadīths* (i.e. ones where no chain is mentioned at all), both of which types were considered technically "weak" from the later, post-Shāfi'ī, viewpoint of the scholars of *ḥadīth* which demanded an unbroken *isnād* for a *ḥadīth* to be acceptable. For broadly similar reasons to those of the Madinans, many Iraqi (Ḥanafī) judgements were also based on *mursal*, and therefore "weak", *ḥadīths*, and many sound *ḥadīths* were "rejected", i.e. not acted upon, by them.<sup>26</sup>

Al-Shāfi'ī, however, took the position: "If the *ḥadīth* is sound [i.e. has a complete and reliable *isnād*], that is my *madhhab*."<sup>27</sup> And so *sunna* became redefined as authentic *ḥadīth*.



Al-Shāfi'ī was also instrumental in a second redefinition. As a third source, after Qur'an and *sunna*, he recognised *ijmā'*, "consensus". But whereas the Madinans had recognised an *ijmā'* of the people of Madina as authoritative, al-Shāfi'ī's *ijmā'* was to be an *ijmā'* of all the Muslims – or, at least, all the learned ones among them.<sup>28</sup> In other words, the idea of a "local" *ijmā'* – which was how he saw Madinan *ijmā'*, although this was not how the Madinans understood it – was rejected and a universal concept substituted. Now in fact all the Muslims had always accepted this universal concept – there is the famous *ḥadīth* "My community will not agree on an error"<sup>29</sup> – but what, in a sense, was really happening was that the *ijmā'* of Madina was being denied, which was something else.

We have already referred briefly to the idea of *qiyās* ("analogy") when referring to Abū Ḥanīfa's (or the Iraqis') penchant for exercising *qiyās* to arrive at new judgements in the absence of sufficient material in their existing textual sources. Al-Shāfi'ī saw the necessity of this technique, and accepted it as a fourth source after Qur'an, *sunna* and *ijmā'*. He saw that the judgements in a limited number of texts were by nature finite, but that the general principles behind them could and should be applied elsewhere. Thus, for instance, if intoxication by wine is *ḥarām*, then so too should be intoxication by other drinks, or indeed other substances, once it has been established that it is intoxication that is the reason for the prohibition.

Analogy thus formed the fourth pillar of al-Shāfi'ī's system, and it is this four-fold system, of Qur'an, *sunna*, *ijmā'*, *qiyās*, that is generally referred to today when people speak of the sources of Islamic law – even when referring to the earlier *madhhabs* which ostensibly espouse significantly different methodologies.<sup>30</sup>

We mentioned above a fourth *madhhab*, that of Aḥmad ibn Ḥanbal (d. 241/855), but, while this is accepted by the traditional 'ulamā' as a perfectly valid, fourth Sunnī *madhhab*, Imam Aḥmad himself was known more as an *imām* ("expert") in *ḥadīth* than in *fiqh*, reflected in his monumental collection of *ḥadīth*, the *Musnad*. Indeed, many books written about the various "imāms among the fuqahā'" and/or the differences in their legal reasoning reflect the assumption that Aḥmad was not a specialist in *fiqh*. For example, Ibn Jarīr al-Ṭabarī's (d. 310/923) *Ikhtilāf al-fuqahā'* does not mention the views of Ibn Ḥanbal at all, and Ibn 'Abd al-Barr's (d. 463/1071) *al-Intiqā' fī faḍā'il al-a'imma al-thalātha al-fuqahā'*, considers only the "three imams", Abū Ḥanīfa, Mālik and al-Shāfi'ī.<sup>31</sup> Nevertheless, Aḥmad's approach to *ḥadīth* gradually achieved the status of an independent *madhhab*,<sup>32</sup> and it has remained as such until the present day, gaining particular prominence as the official *madhhab* of the current Saudi state, and also – although in a rather looser sense – the unofficial *madhhab* of numerous "Reformist" groups worldwide.

The other *madhhabs* which did exist – such as those of al-Layth, al-Awzā'ī, Dāwūd al-Zāhirī, etc. – did not survive long enough to achieve

official Sunnī *madhhab* status, although their existence does indicate some of the flexibility that existed during the early development of Islamic jurisprudence.

Today, as indicated earlier, we are confronted with a rather different situation. Now the threat against Madinan Islam comes not so much from the other *madhhabs* as from a no-*madhhab* position. Put differently, one could say that, just as al-Shāfi'ī's attempted synthesis effectively resulted not in one, unified *madhhab* but the creation of a third one instead, nowadays one finds a rejection of the traditional *madhhabs* which effectively entails, at best, the creation of a fifth *madhhab* which is ostensibly a *madhhab* of *ḥadīth* – rather in the way that the *madhhabs* of Abū Ḥanīfa, al-Shāfi'ī and Aḥmad are by concept predominantly *madhhabs* of *ḥadīth* – but which often whittles down the *ḥadīth* to so few that hardly any remain. This is, for example, the position of many "Reformists", who, in the train of Muḥammad 'Abduh (1849–1905) and others, effectively accept only *mutawātir ḥadīths* as binding, thus opening the door to wholesale rejection of a major part of traditional *fiqh*, based as it is on *akhbār al-āḥād*.<sup>33</sup> Nor is this the first time this position has been taken: one can see its proponents as the direct intellectual descendants of the Mu'tazilites of the early days of Islam – al-Shāfi'ī's *ahl al-kalām*, as he calls them – who had this same critique on the majority of *ḥadīth* and used it as a means of promoting a predominantly "rational" approach (today's "scientific" approach) to knowledge.<sup>34</sup>

For Mālik, as we have said, the authenticity of the Madinans' lived Islam was not in question: "This is more authentic than *ḥadīth*." What was in question was the misuse of *ḥadīth* – or perhaps one should say simply the misunderstanding of *ḥadīth*, i.e. its lack of proper contextualisation in the 'amal of the people of Madina – which he saw represented, as indicated above, by those such as the Iraqis who had not taken their knowledge directly from its origins in its birthplace in Madina.

It is in this context that we present this translation of al-Rā'ī's *Intiṣār*, as a reminder of the credentials of the Mālikī *madhhab* – the best surviving representative of the original "madhhab of Madina" – to those who wish to understand better the phenomenon of original Islam.

#### A note on the translation

I have relied in the first instance on the text as edited and published by Muḥammad Abū l-Ajfan, which is based on three manuscript copies, one in Rabat, Morocco (al-Khizāna al-Āmma, MS D 1849), and two in Tunis (Dār al-Kutub al-Waṭaniyya, MSS 14595 and 14767). In addition to the printed text, I have also had access to the manuscript copy held in the Bibliothèque Nationale d'Algérie (MS 1354), which helped in clarifying many points, although, unfortunately, this manuscript contains only the first two-thirds of the text.



It will be apparent from an even cursory glance at the *Intiṣār* that al-Rā'ī quotes extensively from many sources and, where these are available in published editions, they provide further clarifications of the text. The most frequently and extensively quoted source is Qadi 'Iyād's *Madārik* (often referred to by al-Rā'ī as *al-Masālik*), followed closely by al-Shirimsāhī's *Nazm al-durr* and Qadi 'Abd al-Wahhāb's *Mumahhad*. Of these three only the first has, to the best of my knowledge, been published. Al-Rā'ī also quotes extensively, though less frequently, from (in rough order of importance) Ibn Hajar's *Tawālī al-ta'sīs*, al-Māzarī's *Sharḥ al-Talqīn*, Abū l-Qāsim al-Jawharī's *Musnad ḥadīth Muwaṭṭa' Mālik*, Abū Nu'aym's *Ḥilya*, Ibn Rushd the Grandfather's *Muqaddimāt*, al-Qarāfī's *Dhakhira*, Ibn Ḥiyāsa (?) al-Mālikī's *al-Yawāqīt al-muraṣṣa'a* and al-Nawawī's *Tahdhīb al-asmā'*, as well as referring briefly to several other texts. Where I have had access to published versions of these sources, and especially where the published text has clarified an uncertainty or raised an ambiguity, I have noted this in the endnotes. I have not, however had access to al-Māzarī's *Sharḥ al-Talqīn*, although it has been published; al-Jawharī's *Musnad ḥadīth Muwaṭṭa' Mālik* has yet to be edited and published; and Ibn Ḥiyāsa (?) and his *Yawāqīt* remain as yet unidentified.

A word of warning: I have not attempted a word for word translation of the text. Rather, I have attempted to give an accurate rendition of the meaning while also catering to the dictates of English style. Nor have I attempted complete consistency throughout the text, and the wary reader will note that, while certain terms have been translated consistently, certain others are translated in different ways at different times, according to the context and the general flow of the English. I have also tried to avoid over-use of square brackets, but have resorted to them where it has seemed particularly appropriate in order to clarify the meaning of a passage, especially of a quoted text, by supplying what may have been omitted or implied in the Arabic text. I nevertheless hope that the end result retains the flavour of the original without being either over-burdened or over-simplified. In addition, sub-headings – none of which occur in the original text – have been added for the sake of clarity.

## Part II

TRANSLATION OF  
AL-RĀ'Ī'S INTIṢĀR

Greater is to Allah who gave preference to whatever man of knowledge he wills over whatever he wills by giving them whatever more knowledge, etc. and wisdom he wills, who has made that difference with regard to the branches of the Sharī'a a great one and a universal one. He has made who has given the scholars of the work of sound knowledge of the book and the Sunna and revealed them all, whatever was in a matter or even in hitting the mark, as an act of generosity and blessing for them and who has given them success in disseminating knowledge of the Message and protected them from agreement or disagreement. And may peace and blessing be upon our Master Muhammad, who was sent as a mercy for the nations and an affliction for the unbelievers and signed brother and upon his family, wives, children and Companions, whom he made lords of justice and leaders of truth, and to whom he gave the greatest blessing of meeting His Prophet and keeping his company.

My reason for writing this book is that I have heard many Muslim students – may Allah increase their numbers – complaining of the amount of prejudice, ignorance and shameless and unbecoming words they hear coming from the proponents of other religions in the land of Egypt against the Muslims of the land of the land of the Muslims community, the Sheikh of the Sheikh of the Sheikh of the Sheikh of the Scholar of the Scholar of the place where the Quran was revealed and in which the Miḡra of the Prophet was made, Makkah al-Mukarrama – may Allah be pleased with him. I have seen that most of the Muslim students in the land are poor and destitute, and do not possess books of history that would help them to argue for their position and give preference to their Islam. I have also seen many ignorant and respected proponents of other religions going along with such ignorant parties and considering it a fashionable act to rebuke Malik to a lower position, while in the view, should be in a third level (below al-Malik) and Abū Ḥanīfa. I have therefore decided to collect together for them in this book a short selection of what both the earlier and later generations have said about [Malik] and to mention, if Allah wills, the testimony of the Messenger, may Allah bless



*Bismi-llāhi l-raḥmāni l-raḥīm wa-ṣallā llāhu ʿalā Sayyidinā  
Muḥammadin wa-ʿalā ālihi wa-ṣaḥbihi wa-sallam*

## AUTHOR'S INTRODUCTION

Praise be to Allah who gives preference to whatever men of knowledge He wills over whomever He wills by giving them whatever extra knowledge, *dīn* and wisdom He wills; who has made their differences with regard to the branches of the Shariʿa a great ease and a universal mercy for this *umma*; who has given the scholars of the rank of *ijtihād* knowledge of the Book and the Sunna and rewarded them all, whether once for a mistake or twice for hitting the mark,<sup>1</sup> as an act of generosity and blessing for them; and who has given them success in disseminating knowledge of the Message and protected them from agreement on any error.<sup>2</sup> And may peace and blessings be upon our Master Muhammad, who was sent as a mercy for the believers and an affliction for the unbelievers and bigoted fanatics; and upon his family, wives, children and Companions, whom He made lords of creation and leaders of truth, and to whom He gave the greatest blessing of meeting His Prophet and keeping his company.

My reason for writing this book is that I have heard many Mālikī students – may Allah increase their numbers – complaining of the amount of prejudice, ignorance and shameless and unacceptable words they hear coming from the proponents of other *madhhabs* in this land [of Egypt] against the *madhhab* of the Imam of the Imams of the Muslim community, the Shaykh of the Shaykhs of the Muhammadan Shariʿa, the Scholar of the Scholars of the place where the Qurʾan was revealed and to which the Hijra of the Prophet was made, Mālik ibn Anas – may Allah be pleased with him. I have seen that most of the Mālikī students in this land are poor and destitute, and do not possess books of history that would help them to argue for their *madhhab* and give preference to their imam. I have also seen many important and respected proponents of other *madhhabs* going along with such bigoted partisans and considering it a meritorious act to relegate Mālik to a lesser position, which, in their view, should be to a third level [behind al-Shāfiʿī and Abū Ḥanīfa]. I have therefore decided to collect together for them in this book a short selection of what both the earlier and later generations have said about [Mālik] and to mention, if Allah wills, the testimony of the Messenger, may Allah bless



him and grant him peace, with regard to the *ʿālim* of Madina, Mālik ibn Anas – may Allah have mercy on him – and also some of what the three imams and others have said with regard to giving preference to Mālik and to the knowledge of the people of Madina – may Allah be pleased with them – so that they may be able to use it against those who attack them and resort to unacceptable behaviour and bigotry against them.

I will, if Allah wills, show why Mālik and his *madhhab* should be given preference, using both rational and textual arguments, and mentioning the various special qualities which Allah vouchsafed to him and which are not shared by any of the other imams – may Allah be pleased with all of them – and which, when heard by an intelligent person, can only lead, if he wishes to be fair-minded, to his acknowledgement and acceptance of Mālik's excellence and superiority. After hearing all this, it is only the obstinate and the stubborn, and those who openly display bias and bigotry, who will attempt to dispute his being worthy of being given preference. My aim in this is to clarify the truth, and to guide unbiased people of excellence and *dīn* among the proponents of the other *madhhabs* to the right path, and to help those poor Mālikīs against the people of evil, ignorance and bigotry.

I have called this book "Help for the Needy Traveller in Giving Preference to the Great Imam Mālik", and I have arranged it in five sections:

- Section 1 – On giving preference to Mālik over his contemporaries – may Allah be pleased with them.
- Section 2 – On giving preference to his *madhhab*, and the sources on which it is based.
- Section 3 – Some points of difference which are frequently asked about and discussed by the proponents of other *madhhabs*.
- Section 4 – Some examples of the prejudice that I have seen or heard from the proponents of other *madhhabs* against the *madhhab* of Mālik – may Allah have mercy on him – which led to the writing of this book.
- Section 5 – Some points where both specialists and non-specialists in this land make mistakes.

I have written the following poem by way of introduction to the book:

You must hold to fear of Allah as long as you live, and follow the imams of the religion of truth; then you will be guided and achieve content.

Among them are Mālik, then al-Shāfiʿī, then Aḥmad, and al-Nuʿmān [Abū Ḥanīfa]: all of them are guides on the path to Allah.

Follow whoever you love among them and do not be swayed by the ignorant and bigoted, if you wish to be praised.

All of them are equal with regard to the obligation to follow them, and those who follow them will be in the Gardens of Eden for ever. To love them is a meritorious and ennobling thing, while to hate them is to be straying far from Islam and the truth. May the curse of the Lord of the Throne and of all creation be upon those who hate them and follow the path of bigotry!



## SECTION 1

On giving preference to Mālik, may Allah have mercy on him and be pleased with him

You should know – may Allah give both us and you success – that the first thing that anyone should do when looking into the matter of giving preference to one imam over another – may Allah be pleased with all of them – is to allow his inner being to be illumined, and to protect his tongue and only mention the imams of the Muslims in a way that increases their honour and greatness in people's hearts and minds. He should know that the Messenger of Allah, may Allah bless him and grant him peace, said: "Whoever honours an *ʿālim* is honouring Allah, the Mighty and Majestic and His Messenger; while whoever belittles an *ʿālim* is making light of Allah, the Mighty and Majestic, and His Messenger."<sup>1</sup> This is transmitted by al-Shirimsāhī in his *Nazm al-durr*.<sup>2</sup>

He also said, may Allah bless him and grant him peace: "The excellence of an *ʿālim* over a worshipper is like the difference between myself and the least among you."<sup>3</sup>

He also said, may Allah bless him and grant him peace: "The scholars of my community are like the prophets of the Children of Israel."<sup>4</sup>

He also said: "The scholars are the inheritors of the prophets."<sup>5</sup>

It is also related that Ibn ʿAbbās, may Allah be pleased with him, said: "One man of understanding (*faqīh*) is worse for the Devil than a thousand worshippers."<sup>6</sup>

You should know that all the People of the Truth and the People of the Sunna are agreed that Mālik, Abū Ḥanīfa, al-Shāfiʿī, Ahmad, al-Awzaʿī, al-Layth, Dāwūd and the two Sufyāns [i.e. Sufyān al-Thawrī and Sufyān ibn ʿUyayna], and others like them were on a path of guidance from their Lord, contrary to [the opinion of] some of the people of *bidʿa* and *wasṭa* thinking. All of them are innocent of any false beliefs, and the strongest proof of this is their high standing and esteem in people's hearts. There is a consensus (*ijmāʿ*) among the Muslims that the Four Imams – may Allah be pleased with them – are the ones to be followed and that it is not permissible for anyone today to go outside the[se] four *madhabs*. And you should know that Allah is too generous to punish a slave of His for doing or saying

something that one of the *ʿulamā* has said is permissible, or if there is a difference of opinion among the *ʿulamā* about it.

One might ask: Why did Allah single out these people, when both the intellect and textual sources allow the possibility that there were men of knowledge among the first generations who were of the same stature or more knowledgeable than these four? Why is it obligatory to follow these four rather than anyone else?

My answer would be that I heard our shaykh and master, the Chief Qadi of Granada, Abū l-Qāsim Muḥammad ibn Sirāj – may Allah ennoble him – say that this is because of the large number of their adherents. Their *madhabs* are well known and have become established as correct, and their opinions have been transmitted via multiple channels by the proponents of these *madhabs*. There is consensus that they should be followed and it is no longer permissible today for anyone to go outside these four *madhabs*.

It is clear from this that they are all on a par with each other with regard to the obligation to follow them and take them as models of guidance. If any of them should have fallen short in one particular area of expertise, this is not enough to diminish his stature vis-a-vis the others with regard to the obligation to follow them. All of them have such qualities of excellence, nobility of character and a firm footing in knowledge and the *dīn* that pages have been written about this which have been transmitted by earlier and later generations. The strongest proof of this is the high esteem they have in people's hearts.

Nevertheless, it is permissible to consider who is the best among them, and thus also come to know the praiseworthy characteristics, correct opinions and noble qualities that Allah has given to each of them – may Allah be pleased with them and give us benefit by them and raise us up in their company by His grace and generosity.

If this is clear, then know that the Four Imams, indeed, all the men of knowledge and *ijtihād* among the People of the Sunna, are as one man when it comes to their judgement as to whether a particular matter is permissible or not. Each has come to his conclusion through *ijtihād*, and the necessary standards for making *ijtihād* are the subject of agreement and will neither increase nor decrease. This being the case, it is necessary for everyone who is subject to the law (*mukallaf*) to believe in (*yaʿtaqid*) the preferentiality of his own *madhhab* without, however, believing that the others are wrong, since this latter would entail declaring his own imam and *madhhab* to be wrong when there are contradictory opinions related from him [on a matter]. Who is right and who is wrong is something that has been kept hidden from us, and so they are all as one man, and Allah knows best.

The proof that it is nevertheless permissible to consider who is the best among them is the debate that took place between Imam al-Shāfiʿī and Muḥammad ibn al-Ḥasan [al-Shaybānī] – may Allah be pleased with



them both – regarding the knowledge of Mālik and Abū Ḥanīfa – may Allah be pleased with them both – which we shall mention later, if Allah wills.<sup>7</sup>

If someone looking into this subject does so with awareness of what we have mentioned and fearing Allah as He should be feared, there will be nothing but increase for him in belief and submission. If not, we seek refuge in Allah from incurring His displeasure by saying anything incorrect about the imams of the *dīn* and the men of knowledge among the Muslims – may Allah have mercy on all of them.

Let us now return to our subject of giving preference to the Imam of the Imams and the *‘ālim* of the *umma*, Mālik ibn Anas – may Allah have mercy on him.

### The *ḥadīth* of the Prophet about the *‘ālim* of Madina

The first special characteristic that Mālik has, which none of the other leaders of the *madhhab*s with the rank of *ijtihād* share with him – may Allah be pleased with all of them – is the well-known (*mashhūr*) *ḥadīth* which is related by many people from Abū Hurayra, that the Messenger of Allah, may Allah bless him and grant him peace, said: “The time is nigh when people will beat the livers of their camels in search of knowledge, but they will not find anyone more knowledgeable than the *‘ālim* of Madina.”<sup>8</sup> A similar version is related by al-Nasā’ī.<sup>9</sup> There is also another version, related from Abū Mūsā al-Ash‘arī, that the Prophet, may Allah bless him and grant him peace, said: “People will go out from the East and the West in search of knowledge, but they will not find anyone more knowledgeable than the *‘ālim* of Madina.”<sup>10</sup>

Shaykh Abū l-Qāsim al-Rāfi‘ī al-Shāfi‘ī considered this to be sufficient praise of Mālik – may Allah have mercy on both of them – when he said, “As for Mālik, it is enough that the Messenger of Allah, may Allah bless him and grant him peace, said: ‘The time is nigh . . . etc.’”, mentioning the aforementioned *ḥadīth*.

Qadī ‘Abd al-Wahhāb also transmits the same *ḥadīth*, and then says:

All the imams of the people of knowledge and their leaders and chiefs are agreed that this should be interpreted as referring to Abū ‘Abdallāh Mālik ibn Anas, the Imam of Madina, may Allah be pleased with him.<sup>11</sup> Among those who have said this are Ibn Jurayj, Ibn ‘Uyayna, ‘Abd al-Raḥmān ibn Maḥdī, and others, all of whom said that this was their belief (*i‘tiqād*) and that of those who had gone before them. This interpretation of theirs is further strengthened, and the possibility of error on their part made further unlikely, by the fact that the appellation of “the *‘ālim* of Madina”, when used in an unqualified way, is understood to apply specifically

to Mālik – may Allah be pleased with him. In standard usage, it is never used for anyone else nor understood to refer to anyone else, by general agreement of both those who agree with him and those who disagree with him. So if anyone were to praise or blame “the *‘ālim* of Madina”, this would be understood to refer to Mālik – may Allah have mercy on him. This is in addition to their agreement on his excellence, *dīn*, knowledge and nobility, their belief (*i‘tiqād*) that he had inherited the knowledge and *fiqh* of Madina, in Madina, his memorisation of *ḥadīth*, his knowledge of the strengths and weaknesses of the transmitters [of *ḥadīth*] and of the *ḥadīth* themselves, and his excellence in understanding this science, to the extent that many Tābi‘īn studied under him and transmitted from him, and the imams of his time and the leaders of the people of knowledge in his age acknowledged that he was superior to them and that they had not reached his rank but had stopped short of his stature, so much so that one of them said: “Where are we in relation to Mālik? We would simply look at a teacher and, if Mālik had written down anything from him, we would write [it] down from him; but if he had left him alone, we would leave him alone.”<sup>12</sup> Another<sup>13</sup> said: “I prefer *ḥadīths* read out to Mālik to those learned by listening to others.”<sup>14</sup> Others even said about him: “Mālik is one of Allah’s decisive arguments against His creation”,<sup>15</sup> and, “There is no book on earth after the Book of Allah, the Mighty and Majestic, that is more correct (*akthar ṣawāban*) than his book [i.e. the *Muwaṭṭa’*].”<sup>16</sup>

Here ends the quotation from Qadī ‘Abd al-Wahhāb.

Qadī ‘Iyād – may Allah have mercy on him – in his book *Tartīb al-Madārik*, transmits the following about giving preference to Mālik:

This [is known] by means of transmission and the well-known and authentic report on the subject which a large number of people have transmitted from Abū Hurayra, that the Prophet, may Allah bless him and grant him peace, said: “The time is nigh when people will beat the livers of their camels in search of knowledge, but they will not find anyone more knowledgeable than the *‘ālim* of Madina.” A similar version is [also] related by al-Nasā’ī from Abū Hurayra. There is also another version, related from Abū Mūsā al-Ash‘arī, that the Prophet, may Allah bless him and grant him peace, said: “People will go out from the East and the West in search of knowledge, but they will not find anyone more knowledgeable than the *‘ālim* of Madina.”

Ibn Jurayj and ‘Abd al-Razzāq both said: “It is related from Sufyān, via more than one authority, that the person referred to in



the *ḥadīth* is Mālik. [Sufyān] said, 'I used to think that it was Ibn al-Musayyab, but then I changed my mind, saying to myself that in the time of Ibn al-Musayyab there were also Sulaymān [ibn Yasār], Sālim [ibn 'Abdallāh ibn 'Umar] and others [in Madina]. Then I said that it was Mālik, because he was still alive when there was no one else left in Madina that was equal to him.' This is an authentic report from Sufyān which is related from him by many reliable sources, [such as] Ibn Mahdī, Yaḥyā ibn Ma'īn, 'Alī ibn al-Madīnī, Ibn Bakkār, Ishāq ibn [Abī] Isrā'īl,<sup>17</sup> Dhu'ayb al-Sahmī and others, all of whom heard Sufyān say, when explaining this *ḥadīth*, words to the effect of "It is Mālik", or "I think it is Mālik", or "I reckon that it is Mālik", or "I am of the opinion that [it is Mālik]", or "They were of the opinion that [it is Mālik]."<sup>18</sup>

Ibn Mahdī added: "When Sufyān said 'They were of the opinion that . . .', he was referring to the Tābi'īn."<sup>19</sup>

The proof of this is that more than 1,300 people – from the East, the West, al-Andalus, and other places – related from him.<sup>20</sup>

This point, i.e. this number [of people], was mentioned to a Ḥanafī, who considered it small and said, "Some five thousand people took knowledge from Abū Ḥanīfa." A Mālikī said to him, "That's true, but they were so-and-so the oil merchant in Kufa, so-and-so the cloth merchant in Basra, and so-and-so the weaver in Baghdad, and there are many like them; whereas, among those transmitting from Mālik, we include Abū Ḥanīfa, Abū Yūsuf, Muḥammad ibn al-Ḥasan [al-Shaybānī], al-Shāfi'ī, al-Layth ibn Sa'd, al-Awzā'ī, Ibn Jurayj, Ibn Shihāb, Sufyān ibn 'Uyayna, Hishām ibn 'Urwa, Sufyān al-Thawrī, and many others like them."<sup>21</sup>

Qadī 'Iyād mentions this number, and then says:

For this reason none of the earlier generations (*al-salaf*) doubted that the one being referred to in the *ḥadīth* is Mālik, and they considered it one of the miracles and signs of the Prophet, may Allah bless him and grant him peace. [ . . . ]

Qadī 'Abd al-Wahhāb said: "None of the leaders of the *madhhabs* dispute with us regarding this *ḥadīth*, since none of them have an imam who is one of the people of Madina. So we say that the one being referred to is our imam, and we claim that he is our man because of the testimony to this of both earlier and later generations, and also because if, among the people of knowledge, the expression 'the *'ālim* of Madina and the Imam of the Dar al-Hijra' is used, it is understood by them to refer to Mālik and no one else, as it is also the case that if the expression 'the Kufan' is used, it is understood to refer to Abū Ḥanīfa and no one else."<sup>22</sup>

In his *Naẓm al-durr*, al-Shirimsāḥī – may Allah have mercy on him – says:

All in all, we have two types of evidence for this, rational and textual. The textual evidence is the *ḥadīth* transmitted by al-Tirmidhī in his *Ṣaḥīḥ*, via a number of chains of transmission – which I have transmitted from him with a complete *isnād* and which is also transmitted by Abū 'Umar ibn 'Abd al-Barr, the well-known reliable and trustworthy authority, with his *isnād* – from Sufyān ibn 'Uyayna, the well-known authority, from Ibn Jurayj, who was an even more respected imam before him, from Abū l-Zubayr, the well-known reliable and trustworthy authority, from Abū Ṣāliḥ al-Sammān, one of the well-known and trustworthy authorities among the Tābi'īn, from Abū Hurayra, the Companion of the Messenger of Allah, may Allah bless him and grant him peace, that the Messenger of Allah, may Allah bless him and grant him peace, said: "The time is nigh when people will beat the livers of their camels in search of knowledge, but they will not find anyone more knowledgeable than the *'ālim* of Madina."<sup>23</sup>

[Sufyān] Ibn 'Uyayna said: "They" – meaning the Tābi'īn – "were of the opinion that this was Mālik ibn Anas – may Allah be pleased with him." Sufyān also said: "This is also my opinion, and the opinion of al-Awzā'ī, Ibn Jurayj, Wakī' and other imams" – may Allah be pleased with all of them. One should also note that the explanation of a transmitter is given precedence (*muqaddam*), especially if all the transmitters are agreed upon it.

This is in addition to the fact that no one else is described as "the *'ālim* of Madina", nor does anyone else come to mind if this expression is used in this unqualified way. He was the *'ālim* there [in Madina], whose *madhhab* spread to the East and the West, to whom the livers of camels were beaten from all other regions, and from whom imams and *'ālims* learned knowledge in a way that was not the case for any other imam either before or after him – may Allah be pleased with him and with them all.

As for rational evidence, we will come to that later, God willing.

Here ends the quotation from al-Shirimsāḥī.

Qadī Abū l-Faḍl ['Iyād] – may Allah have mercy on him – says [in his *Madārik*]:

We use this *ḥadīth* as an argument in three ways:

Firstly, there is the acceptance of the first generations that the one being referred to in the *ḥadīth* is Mālik, as we have transmitted



from them. They would not have said this unless they were certain about it, nor would they have circulated the idea simply for the sake of some personal whim. They cannot be accused of this, especially given the competition that exists between contemporaries and the natural tendency in people to be less than fulsome in their praise of their equals.

Secondly, if you consider the testimony of the first generations that we have already mentioned and shall mention more of later, that<sup>24</sup> he was “the most knowledgeable person to have appeared on the face of the earth”, “the most knowledgeable person still alive”, “the most knowledgeable of all people”, “the imam of all people”, “the *‘ālim* of Madina”, “the Imam of the Dar al-Hijra”, “the Commander of the Faithful with regard to *ḥadīth*”, and “the most knowledgeable of the *‘ulamā’* of Madina”; and [if you also consider] how they relied on him<sup>25</sup> and followed him, and how they agreed on his superiority over them, in addition to the sheer amount of what we will mention about him, it will become amply clear that he is the one who is referred to in this *ḥadīth*, since no one else was known by all these epithets, nor did they agree in this testimony [of theirs] with regard to anyone else.

Thirdly, a number of shaykhs have made the point that no seekers of knowledge beat the livers of their camels from the East and the West to reach any man of knowledge, nor did they travel [to such a man] from the furthest corners of the earth, as they did to Mālik. They did this because of their belief (*i‘tiqād*) that he was superior (*muqaddam*) to all the other *‘ulamā’* of his time. If they had had this belief about anyone else they would have gone to that other person:

People are too clever to praise a man

without having found in him any marks of excellence.<sup>26</sup>

Here ends the quotation – in a somewhat abbreviated form – from the *Masālik* [i.e. the *Madārik*], which you should consult for more on the above.

### The *ḥadīth* of the Prophet about “the people of the West”

Another of [the Prophet’s] prophecies, may Allah bless him and grant him peace, which has now come to pass, and which affirms the excellence of Mālik and his *madhhab* and is a great honour not shared by any other imam – may Allah be pleased with all of them – is when he said, may Allah bless him and grant him peace: “The people of the West (*gharb*) will continue to be on the path of truth until the Hour comes.”<sup>27</sup> In another

transmission, it says: “There will always be a group of my *umma* in the West (*maghrib*) who are on the path of truth until the Hour comes.”<sup>28</sup> This has now happened in the way that the Prophet, may Allah bless him and grant him peace, said it would happen, and it is clear that the “truth” that the Prophet, may Allah bless him and grant him peace, spoke about in the whole of the land of the Maghrib is the *sunna* and the *dīn* [of Islam] which has been paramount in the lands of the Maghrib until the present time. This is also implicit praise for Mālik and his *madhhab*, because in the whole of the Maghrib there are no Shāfi‘īs, Ḥanafīs or Ḥanbalīs. Rather, all of the people there follow the *madhhab* of Mālik to the exclusion of any other. Nor have any heretics or Khārijites ever gained a footing in the region of the West;<sup>29</sup> rather, all of them follow the *sunna* and the *madhhab* of the people of Madina. Indeed, there are many places there where there has never been any innovation at all, either good or bad, until this time, by which I mean the year 839 AH, and where their practice (*‘amal*) is still in accord with that of the Companions and the Successors in the City of the Messenger of Allah, may Allah bless him and grant him peace. It is thus clear from what we have mentioned that this *ḥadīth* is one of the miracles of the Prophet, may Allah bless him and grant him peace, which has come to pass many years later and [thus] proved his words to be true – may Allah bless him and grant him peace.

Those, however, who interpret the word *gharb* (“West”) to mean “bucket”, or anything else, are far from the mark. This [false interpretation] is also refuted by the version of the transmission which contains the word *maghrib* (“West”), which cannot be taken to mean “bucket”. Indeed, the reality of the situation silences any argument and stops any dispute or false interpretation – praise be to Allah for that! In this way the miracles of the Prophet, may Allah bless him and grant him peace, are seen to be true, and what he meant by the *ḥadīth* is now clear. There is also a great honour in [this *ḥadīth*] for Mālik and his *madhhab* which none of the leaders of the other *madhhabs* can lay claim to, since it must refer exclusively to Mālik and his *madhhab*, without anyone else being able to lay claim to it or be included in it.

Egypt may also be considered as part of “the Maghrib” and a neighbour to the Maghribīs – may Allah keep the beliefs of the people of Egypt pure despite the large amount of innovation there.

Some time ago I wrote a poem about the meaning of this *ḥadīth*. I had met somebody who, when he saw me, said, “O Allah, give us benefit by these people.” He didn’t know that I was a seeker of knowledge, but was simply referring to the people of the Maghrib in general. When I heard him [say this], I made a *du‘ā’* for him in secret without him being aware of me, and I hope that Allah will give him benefit by his intention. Then I remembered the aforesaid *ḥadīth* and composed the following poem of three lines on the subject:



The West has a well-known excellence which people are not ignorant of,  
and its people have a nobility of behaviour which completes it.  
In it have appeared the signs of truth in reality  
as said by the Best of Creation, the Messenger.  
Its people, until Judgement Day, will not cease  
to be on the path of guidance and will not be left forsaken.<sup>30</sup>

The people of the Maghrib have more determination (*ḥazm*) than the people of the East, and are firmer in their following [of the *sunna*] and more correct in their inferences. [This is] because they have chosen the *madhhab* of the people of Madina and the reading of Nāfi', and, as people say, the reading of Nāfi' is *sunna*, as it is [also] the reading of the people of Madina. We shall mention later what Imam Aḥmad said about this.<sup>31</sup>

### The testimony of the other three imams about Mālik

The third characteristic which is special to Mālik – may Allah have mercy on him – and which none of the other 'ulamā' share with him, is the praise of him by the other three imams of the rank of *ijtihād* around whose knowledge, words and deeds the *dīn* of Islam has become established, and their testimony to his knowledge and excellence (*tarjīh*), when they themselves are the leaders of the *dīn* and the imams of the Muslims who have been "guided by their Lord" (cf. Q.2:5) – may Allah be pleased with all of them.

### Abū Ḥanīfa's praise of Mālik

Abū Ḥanīfa – may Allah be pleased with him – met Mālik and learnt from him and also praised him highly. Qadi 'Iyād says, in his *al-Masālik fī al-'ulamā'* *Mālik* [i.e. *Tarīb al-Madārik*]:

Al-Layth ibn Sa'd said: "I met Mālik in Madina and said to him: 'I see you are wiping the sweat off your brow!' He said, 'I am sweating from [having met] Abū Ḥanīfa. He is certainly a *faqīh*, O you from Egypt!' Then I met Abū Ḥanīfa and I said to him, 'What an excellent thing that man has just said about you!' Abū Ḥanīfa said, 'By Allah, I have never seen anyone who is quicker at giving a truthful answer, in addition to having perfect self-restraint (*zuhd*)', referring to Mālik."<sup>32</sup>

In the same book, 'Iyād also mentions [the following]:

Abū Ḥanīfa was once asked, "What is your opinion of the young men [of knowledge] in Madina?" He said, "If there is one of

excellence among them, it is the one with fair hair and light complexion", meaning Mālik. In another version, it says: "Abū Ḥanīfa said, 'I saw knowledge being disseminated, and if anyone is to gather it, it will be the young man with the fair, reddish complexion.'" Ibn Ghānim said: "I mentioned this to Mālik and he said, 'He is telling the truth.'<sup>33</sup> I met him and saw a man of knowledge and understanding, if only it were on a solid basis", meaning – and Allah knows best – the knowledge of the people of Madina.<sup>34</sup>

It is related that Mālik was once asked about Abū Ḥanīfa and he said: "I saw a man who, if he wanted to prove (*istadalla*) that this column was of gold, would be able to do so."

Abū Ḥanīfa was once asked about Mālik and he said: "I have never seen anyone with more knowledge of the *sunna* of the Messenger of Allah than him."

### Al-Shāfi'i's praise of Mālik

Imam al-Shāfi'i – may Allah have mercy on him – went to great lengths in his praise of Mālik, testifying to his understanding (*fiqh*) and the excellence of his *qiyās* (analogical reasoning). This was because Mālik was his shaykh and teacher, and it was through him that he gained honour among the people of Iraq when he went there.

Qadi 'Iyād says in his *Madārik*:

Al-Shāfi'i said: "Mālik ibn Anas was my teacher and from him we took our knowledge. There is no one to whom I am more indebted than Mālik. I have made Mālik a definitive argument between me and Allah, the Mighty and Majestic. I am just one of Mālik's servants. If the 'ulamā' are mentioned, Mālik is the piercing star. Nobody has reached Mālik's level of knowledge, with his memory, accuracy and retention." He also said: "Knowledge revolves around three people: Mālik, al-Layth and Sufyān ibn 'Uyayna."<sup>35</sup>

Qadi 'Iyād [also] transmits in his *Masālik* [i.e. *Madārik*] that Muḥammad ibn 'Abd al-Ḥakam said: "When al-Shāfi'i was asked about a point of law, he would say, 'This is what my master said', meaning Mālik."<sup>36</sup>

In the same book, ['Iyād] also says:

Muḥammad ibn Idrīs al-Shāfi'i used [this] argument against Muḥammad ibn al-Ḥasan [al-Shaybānī] – may Allah be pleased with them both – when arguing for the superiority of Mālik's knowledge over that of Abū Ḥanīfa in their debate with each other about this.



Al-Shāfi'ī said, "Do you want an honest appraisal or simply praise?"

[Al-Shaybānī] said, "An honest appraisal."

Al-Shāfi'ī – may Allah be pleased with him – said, "I ask you by Allah, who has more knowledge of the Book of Allah, the Mighty and Majestic, and which [verses] of it are abrogating or abrogated – our man or yours?"

[Al-Shaybānī] said, "Your man."

Al-Shāfi'ī said, "Who has more knowledge of the *sunna* of the Messenger of Allah, may Allah bless him and grant him peace?"

[Al-Shaybānī] said, "Your man."

Al-Shāfi'ī said, "Who has more knowledge of the opinions of the Companions of the Messenger of Allah, may Allah bless him and grant him peace?"

[Al-Shaybānī] said, "Your man."

Al-Shāfi'ī said, "That just leaves *qiyās*."

[Al-Shaybānī] said, "Our man is better at *qiyās*."

Al-Shāfi'ī said, "*Qiyās* is only based on these things, so on what basis is [your man] making *qiyās*? We claim about our man's *qiyās* what you can't claim for yours"; – or, in another version, "Our man was not given to *qiyās*; rather, he would be careful and cautious, desiring to follow in the footsteps<sup>37</sup> of those who had gone before him"; – and, in another version, "He had fear of Allah, the Mighty and Majestic."

May Allah have mercy on Muḥammad ibn al-Ḥasan and al-Shāfi'ī, for both were honest in their debate, and may Allah benefit people by both of them. What al-Shāfi'ī said is the clear truth, for deriving judgements by *qiyās* and *ijtihād* can only ever be based on these three sources: whoever has the best knowledge of them will arrive at the most accurate judgement and the soundest *qiyās*, while whoever lacks knowledge of them in any way will be basing his *qiyās* on speculation and be building "on the brink of a crumbling precipice" (Q.9:109).<sup>38</sup>

It is also possible to use this debate as evidence that Mālik had greater knowledge of *fiqh* than Abū Ḥanīfa, since the Mālikīs consider al-Shāfi'ī and Abū Ḥanīfa – may Allah be pleased with both of them – to be equal in their knowledge of *fiqh* and its sources, and so the argument that al-Shaybānī had to accept would also apply to al-Shāfi'ī – may Allah have mercy on them both.

It is also mentioned in the aforesaid book that al-Shāfi'ī said: "If a report comes to you from Mālik, hold on to it firmly."<sup>39</sup>

Al-Shāfi'ī [also] said: "Whoever wants authentic *ḥadīth* should refer to Mālik."<sup>40</sup>

He also said: "There is no book on [the face of] the earth that is more authentic (*aṣaḥḥ*) than the book of Mālik [i.e. the *Muwatta'*]."<sup>41</sup>

He also said: "After the Qur'an, no one has written anything that is of more benefit than Mālik's *Muwatta'*."<sup>42</sup>

He also said, with regard to his respect and admiration for Mālik: "I would turn over the pages very gently when in Mālik's presence out of fear that he would hear me doing so, because of my great respect for him."

He also said: "I saw a number of Khurāsānian horses and Egyptian mules outside Mālik's door and said, 'How beautiful they look!' He said, 'They are a gift from me to you.' I said, 'Keep one for yourself to ride on.' He said, 'I am ashamed before Allah to tread with the hoof of an animal on the earth where the Messenger of Allah, may Allah bless him and grant him peace, is buried.'"<sup>43</sup>

It was for this reason that Mālik wouldn't ride in Madina.

Al-Shāfi'ī also said: "Once when we were in Makka my aunt said to me, 'I have just seen something wondrous tonight.' I said, 'What was that?' She said, 'It was as if someone was saying to me, "Tonight the most knowledgeable man on earth has died." We took account of that night, and it was the night when Mālik died – may Allah have mercy on him.'"<sup>44</sup>

In Abū Nu'aym's *Ḥilya* it is recorded that al-Shāfi'ī said: "If it were not for Mālik and Sufyān [ibn 'Uyayna], the knowledge of the people of the Ḥijāz would have gone."<sup>45</sup>

In [al-Shirimsāhī's] *Naẓm al-durr*, it is reported that someone once said to al-Shāfi'ī – may Allah be pleased with him – "Have you [ever] seen anyone like Mālik?" He said, "I have heard those who went before us both in age and knowledge saying, 'We have never seen anyone like Mālik.' Mālik's excellence and superiority with regard to *ḥadīth* and sitting with the men of knowledge was acknowledged by general agreement among the people of knowledge in Madina, the Ḥijāz and Iraq – may Allah have mercy on them all."

#### Aḥmad ibn Ḥanbal's praise of Mālik

Al-Shirimsāhī records in his *Naẓm al-durr* that Imam Aḥmad ibn Ḥanbal – may Allah have mercy on him – used to say, "May Allah have mercy on Mālik! The heart finds rest in his *ḥadīths* and *fatwās*." He then said, "And it is right that the heart should find rest in him, for he was firm in his following those reports which he considered authentic. In our eyes, Mālik is a decisive argument."

[It is also recorded] in the same book, that 'Abd al-Salām ibn 'Āṣim said: "I once asked Imam Aḥmad ibn Ḥanbal, 'If someone wants to recite [the Qur'an], whose reading should he use?' He said, 'The reading of the people of Madina.' I said, 'If someone wants to learn *ḥadīth*, whose *ḥadīth* should he learn?' He said, 'The *ḥadīth* of Mālik.' I said, 'If someone wants



to consider opinion (*ra'y*), whose opinion should he consider?" He said, "The opinion of Mālik."<sup>46</sup>

Shaykh Abū l-Ḥasan ibn Muḥammad<sup>47</sup> said: "This is how someone should be when he gives advice for the sake of Allah and His Messenger and the Muslims. [Imam Aḥmad] was asked for advice and he gave it according to the best of his knowledge. If he had known a city or a scholar that was better, he would not have been able, between him and Allah, to indicate anything other than the best, because the Messenger of Allah, may Allah bless him and grant him peace, said, 'The *dīn* consists of giving good advice.'<sup>48</sup>

Qadi 'Iyāḍ says in his *Madārik*: "Imam Aḥmad ibn Ḥanbal considered [Mālik] to be superior to al-Awzā'ī, al-Thawrī, al-Layth, Ḥammād and al-Ḥakam with regard to knowledge, and said, 'He is an *imām* in *ḥadīth* and *fiqh*.'<sup>49</sup>

He also says, in the same book:

Imam Aḥmad said: "Mālik followed [the *sunna*] more closely than Sufyān."<sup>50</sup> He also said, when asked about whether al-Thawrī or Mālik was the more knowledgeable if they differed with regard to a transmission or a chain of authority, "Mālik is greater in my opinion." When asked about Mālik and al-Awzā'ī, he said, "I prefer Mālik, even though al-Awzā'ī was an *imām*." When asked about Mālik and al-Layth, he said, "Mālik." When asked about Mālik, al-Ḥakam and Ḥammād, he said, "Mālik." When asked about Mālik and al-Nakha'ī, he said, "Leave him with the people of his time."<sup>51</sup>

It is clear from what Imam Aḥmad said – may Allah have mercy on him – that al-Thawrī, al-Awzā'ī, al-Layth, al-Ḥakam, Ḥammād and Mālik – may Allah have mercy on them – were all of one level, since it was acceptable to consider who was the best among them, but that al-Nakha'ī was in a different category.

[‘Iyāḍ also mentions the following reports:]

Aḥmad ibn Ḥanbal said: "Mālik is one of the masters of the people of knowledge, and he is an *imām* in *ḥadīth* and *fiqh*. Who can compare with Mālik in following the path of those who went before with intellect and courtesy (*adab*)?"

Imam Aḥmad was once asked, "If someone wants to learn the *ḥadīths* of a particular person, whose *ḥadīths* do you think he should learn?" He said, "The *ḥadīths* of Mālik, for he is a decisive argument between you and Allah." He was then asked, "If he wants to consider opinion (*ra'y*), whose opinion should he consider?" He said, "The opinion of Mālik."

He [also] said, "May Allah have mercy on Mālik. He had a high position in Islam."<sup>52</sup>

...

Imam Aḥmad also said, "If you see someone hating Mālik, then know that he is a man of innovation (*bid'a*)."<sup>53</sup>

...

He also said, about [Mālik's] *Muwatta'*, "How excellent it is for those who [wish to] base their *dīn* on it!"<sup>54</sup>

Imam Aḥmad knew the worth, rank and status of the different '*ulamā'*' and men of knowledge better than anyone else. He is the decisive argument either for or against them with regard to knowledge of them – may Allah be pleased with all of them – and no one can contend with him in this. It is therefore obligatory for every Muslim to accept what he said and to comply with his judgement.

You can see for yourself – may Allah have mercy on you and us, and grant all of us success and guidance – how the praise and respect for Mālik of the three great imams who reached the rank of *ijtihād* in the sciences of the Sharī'a is a proof of his leadership in *fiqh* and his great station with regard to knowledge of the *dīn*. It is also a special quality that only he among them has, since no other scholar of the rank of *ijtihād*, or anyone else, was praised by all three of these imams, whereas this was the case with Mālik. This is thus a noble quality and special characteristic which Allah gave to him alone among all the other '*ulamā'*' – may Allah give us benefit from all of them.

I will also mention [later] some of what other imams apart from these three have said, in order that the reader may be even more satisfied with Mālik and his *madhhab*.

### Mālik's special qualities

Among his special qualities and *baraka* – may Allah have mercy on him – is that his *madhhab* has never had a man of *bid'a* in it, nor has there ever appeared in it, or in the land of the West, any Khawārij or people of incorrect beliefs.

Another of his special qualities is that it is related in the *Madārik* that 'Atīq ibn Ya'qūb said: "After the death of the Prophet, may Allah bless him and grant him peace, the people of Madina were only ever agreed on Abū Bakr and 'Umar. But when Mālik died, we know of no one among the people of Madina who was not agreed on him."<sup>55</sup>

Another of his special qualities was that his teachers would become well known and achieve fame by having taken knowledge from him. Qadi 'Iyāḍ says: "When Mālik related from Yazīd ibn 'Abdallāh ibn 'Abd al-Hādī, some thousand or so people made their way to Yazīd. When



morning came and Yazīd saw the number of people crowding around his door, he said, 'What is this?' He was told, 'Mālik related from you.'"<sup>56</sup>

Another of his special qualities – may Allah be pleased with him – is that a number of the shaykhs from whom he had taken knowledge found themselves needing to take knowledge from him and to ask him about matters of the *dīn*, and gaining honour by doing so.

Abū Muḥammad al-Ḍarrāb and others said: "A number of the shaykhs that Mālik related from also related from him, such as Yahyā ibn Sa'īd al-Anṣārī, Abū l-Aswad ibn Nawfal, Ziyād ibn Sa'd, Ibn Shihāb, Hishām ibn 'Urwa, Rabī'a and others."<sup>57</sup>

Among the shaykhs from whom he learnt reports about military expeditions (*maghāzī*) were al-Ḍaḥḥāk ibn 'Uthmān and Ibn Kināna. He would ask them about these *maghāzī* and then transmit their reports in his own sessions. People then began to write them down on his authority, as did al-Ḍaḥḥāk and Ibn Kināna [themselves], even though it was from them that he had heard most of these reports."<sup>58</sup>

Mālik said, according to what Ibn al-Qāsim and Ibn Wahb relate from him: "There was no one among those from whom I transmitted knowledge who didn't then need to ask me about his *dīn*."<sup>59</sup>

That his teachers took knowledge from him and achieved renown by him is thus a great mark of distinction for Mālik which no one else has.

If his teachers gained honour by taking knowledge from him, then those who were not his teachers gained even more honour by doing so. Saḍad ibn 'Inān al-Azdī<sup>60</sup> al-Mālikī says in his book:

Al-Shāfi'ī has a special status above all the others who take a different view to ours because of his having studied under Mālik and learnt the *dīn* from him. All Mālik's contemporaries acknowledged his excellence, and people of excellence from all the *madhhabs* were proud to have kept company with him and to have transmitted *ḥadīths* from him. Al-Shāfi'ī studied both *ḥadīth* and *fiqh* under him, and it was because of him that he gained honour among the people of Iraq when he went there.

He also says: "Abū Yūsuf learnt *ḥadīth* from Mālik, and Muḥammad ibn al-Ḥasan al-Shaybānī made the journey to [study under] him, and they are the backbone of Abū Ḥanīfa's *madhhab*."

Qaḍī 'Iyāḍ says that it was because they learnt *ḥadīth* from Mālik and studied under him that they took a different view to Abū Ḥanīfa on a third or more of his *madhhab*.<sup>61</sup>

Abū Ḥanīfa's son, Ḥammād, was also among those who learnt *ḥadīth* from [Mālik].<sup>62</sup>

### Testimonies to Mālik's learning

Mālik was known as the Shaykh of the Shaykhs, and people travelled to him from the furthest parts of the East and the West to learn *ḥadīth* from him.

Sa'īd ibn Manṣūr said: "I saw Mālik doing *ṭawāf* with Sufyān al-Thawrī behind him. Every time Mālik did something, Sufyān would do the same, taking Mālik as his model."<sup>63</sup>

Ibn Abī Uways said: "Everyone used to give verdicts according to Mālik's opinion."<sup>64</sup>

Ḥammād ibn Zayd said: "When I entered Madina, I heard someone calling out, saying, 'No one should give *fatwā* or teach *ḥadīth* in the mosque of the Messenger of Allah, may Allah bless him and grant him peace, except Mālik ibn Anas.'"<sup>65</sup>

His shaykh Ibn Hurmuz said of him: "He is the most knowledgeable of people."<sup>66</sup>

Sufyān ibn 'Uyayna said of him, when he heard that he had died: "He has left no one like him on the face of the earth." He also said, "Mālik is an *imām*, and Mālik is the *'ālim* of the people of the Ḥijāz. Mālik was a decisive argument in his time. Mālik is the lamp of the *umma*. What are we in relation to Mālik? We were just following in Mālik's footsteps!"<sup>67</sup>

Ibn Ma'īn said: "Mālik is one of Allah's decisive arguments against His creation, and one of the imams of the Muslims whose excellence is [universally] agreed upon."<sup>68</sup>

Sa'īd ibn al-Ḥaddād<sup>69</sup> said: "Mālik was one of those 'firmly rooted in knowledge' (cf. Q.3:7 and 4:162), one of the firmly rooted mountains, and one of those firmly rooted in Islam."<sup>70</sup>

Every time Mālik was mentioned, al-Awzā'ī would say: "The *'ālim* of the *'ulamā'*, the *'ālim* of the people of Madina, and the *muftī* of the Two Ḥarams [i.e. Makka and Madina]."<sup>71</sup>

Baqiyya ibn al-Walīd said: "There is no one left on the face of the earth who has more knowledge about established and ongoing *sunnas* than you, Mālik."<sup>72</sup>

Qaḍī 'Iyāḍ says in his *Masālik*:

Muḥammad ibn 'Abd al-Ḥakam said: "If Mālik is alone in holding an opinion which has not been transmitted from anyone before him, his opinion is a decisive argument which makes it necessary to accept a difference of opinion, because Mālik is an *imām*." Someone asked, "What about al-Shāfi'ī, if he is alone [in holding an opinion]?" He said, "No."<sup>73</sup>

This is also the position of the Ḥanafīs, although they have two opinions about Mālik if he alone holds an opinion, with the correct view being that



his opinion is a decisive argument which makes difference of opinion necessary. This is also an indication of the superiority (*tarjīh*) of Mālik and his *madhhab*.

In the aforementioned book [i.e. 'Iyād's *Madārik*] it also says:

Ibn Mahdī said: "Mālik is more knowledgeable in *fiqh* than al-Ḥakam and Ḥammād." He also said: "There are four *imāms* of *ḥadīth* who are worthy of being followed: Sufyān al-Thawrī in Kufa, Mālik in the Ḥijāz, al-Awzā'ī in Syria, and Ḥammād ibn Zayd in Basra." He was also asked: "Who is more knowledgeable, Mālik or Abū Ḥanīfa?" and he said, "Mālik is more knowledgeable than Abū Ḥanīfa's master."<sup>74</sup> He also said: "Al-Thawrī is an *imām* with regard to *ḥadīth* but not with regard to the *sunna*. Al-Awzā'ī is an *imām* with regard to the *sunna*, but not with regard to *ḥadīth*. But Mālik is an *imām* with regard to both."<sup>75</sup>

The Mālikīs say that Mālik combined what was divided between al-Thawrī and al-Awzā'ī, what was divided between Abū Ḥanīfa and Dāwūd, and what was divided between al-Shāfi'ī and Aḥmad – may Allah in His generosity, munificence and liberality give us benefit from them all and raise us up in their company!

Al-Darāwardī said: "I was once sleeping between the grave [of the Prophet] and the *minbar*, when I saw the Prophet, may Allah bless him and grant him peace, coming out of the grave leaning on Abū Bakr and 'Umar. He went on for a while and then came back. I stood up to talk to him and said, 'Messenger of Allah! Where have you just been?' He said, 'I was with Mālik ibn Anas, showing him the straight path.' I went to Mālik [who was writing the *Muwatta'*]<sup>76</sup> and told him what had happened, and he wept."<sup>77</sup>

When al-Mahdī entered Madina he sent Mālik a mule to ride on so that he could come and see him. Mālik refused the mule, saying, "I am ashamed before Allah to ride in a city in which lies the body of the Messenger of Allah, may Allah bless him and grant him peace", and he came to him on foot. However, he was not feeling well, and so was leaning on al-Mughīra al-Makhzūmī, Abū l-Ḥasan al-'Alawī and Ibn Abī Ṭālib al-Muhallabī,<sup>78</sup> all three of whom were among the '*ulamā'*' and nobles of Madina. When al-Mahdī saw them, he said, "*Subḥāna llāh!* He wouldn't ride on a mule, out of respect for the Messenger of Allah, may Allah bless him and grant him peace, and so Allah gave him these three to lean on. By Allah, if I had asked them to do that they wouldn't have done so!" Al-Mughīra said, "Amīr al-Mu'minīn! We felt privileged among the people of Madina that he should have leant upon us!"<sup>79</sup>

Ibn Wahb said: "*Ḥadīths* are an area where many go astray – except for the people of knowledge; and if it were not for Mālik and al-Layth, we would have gone astray."<sup>80</sup>

A man from Khurāsān once asked the *qāḍī* of Madina for help against Mālik, saying, "I have come from Khurāsān, and we do not like '*arḍ*' [i.e. the student reading out *ḥadīths* to the teacher], but Mālik has refused to read out *ḥadīths* to us." The *qāḍī* gave judgement that Mālik should read out to the man, and he did so. Somebody asked Mālik, "Was he right?" and he said, "Yes."<sup>81</sup>

Mālik said, "I prefer reading out to listening. It is more accurate, as long as the one reading out is concerned about accuracy."<sup>82</sup>

Someone once laid claim to an *umm walad* belonging to Mālik and the *qāḍī* said to him, "Ask Mālik for advice about the matter." The man said, "How can one litigant ask the other for advice?" The *qāḍī* said, "Mālik will not lie if he is asked for advice about something." Mālik gave judgement against himself that he owed the man the value of the *umm walad*, whatever that should come to, and renounced his claim to her, and accepted that he should pay the man what she was worth.<sup>83</sup>

Bishr al-Hāfi said: "Mālik told us – and I ask forgiveness of Allah that part of the ornament of this world is that a man should say 'Mālik told us . . .'. "<sup>84</sup>

### Mālik's respect for knowledge

Al-Shirimsāhī says, in his *Naẓm al-durr*: "It is related that Mālik would neither teach *ḥadīth* nor give *fatwās* unless he was in *wuḍū'*, out of respect for the commands of Allah; and if the Prophet, may Allah bless him and grant him peace, was mentioned, his face would change colour and he would bend forward until that became difficult for those sitting with him.

His student, 'Abd al-Raḥmān ibn al-Qāsim, [was the same:]<sup>85</sup> when the Prophet, may Allah bless him and grant him peace, was mentioned, the blood would drain from his face and his mouth would dry up, out of awe of the Messenger of Allah, may Allah bless him and grant him peace.

If Mālik was asked by people to relate *ḥadīth*, he would go into his bathroom and do *ghusl*, put on perfume and new clothes, put his shoulder-cloth (*ridā'*) over his head, and sit on a raised platform set up for the purpose. He would remain in a reverential state and continue to burn incense until he had finished relating the *ḥadīth*. This platform was one that he would only ever sit on if he was teaching the *ḥadīth* of the Messenger of Allah, may Allah bless him and grant him peace, out of honour and respect for the *ḥadīth* of the Messenger of Allah, may Allah bless him and grant him peace.<sup>86</sup>

Someone asked Mālik during the sickness from which he died, "Why did you stop going to the Jumu'a and *jamā'a* prayers?" He said, "If I were not in this condition, I would not have told you. I was suffering from incontinence, and I wanted to keep the mosque of the Messenger of Allah, may Allah bless him and grant him peace, free from any impurity."<sup>87</sup>



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## Further testimonials to Mālik's knowledge and character

Al-Qarāfī mentions in his *Dhakhīra* that Abū l-Ma'ālī al-Juwaynī said: "No one can compare with Mālik when it comes to [knowledge of] the legal decisions of the Companions."<sup>88</sup>

Al-Qa'nabī said: "I can only assume that Mālik reached the level he reached because of some secret (*sarīra*) between him and Allah. I would see people standing in front of him as if they were standing in front of an *amīr*."<sup>89</sup>

Muḥammad ibn Khālid ibn 'Uthma said: "Whenever I saw Mālik, I would see the signs of the Next World in his face. Whenever he spoke, we knew that it was the truth that was coming from his lips."<sup>90</sup>

Ibn Wahb said: "I have never seen anyone more scrupulous than Mālik ibn Anas."<sup>91</sup>

Ibn Mahdī said: "I heard Mālik say: 'If I knew that my heart would be purified by sitting on a rubbish-heap, I would go and sit on one.'"<sup>92</sup>

I say: This is one of the fundamental principles of the Sufis – may Allah be pleased with them – namely, purifying the heart. In fact, this is their most fundamental principle. The shaykhs who are travelling on the path to the Divine Presence have no greater task with their *murīds* than purifying their hearts. It is in this way that the shaykhs of the Sufis go further than the shaykhs among the *fuqahā'*, because whereas a *faqīh* aims to put the outward right, a Sufi aims to put both the inward and the outward right, and putting the inward right is more important (*awḳad*) than putting the outward right. This comment of Mālik's is evidence for them – may Allah be pleased with them all.

Mālik once said to Ibn Wahb: "Pass on what you have heard, and that is enough for you. Don't carry things around on your back for anyone else. It used to be said that the most wretched of people is one who sells his [reward in the] Next World for his [gain in] this world, but that even more wretched than him is one who sells his [reward in the] Next World for someone else's [gain in] this world."<sup>93</sup>

Asad ibn al-Furāt said: "If it's Allah and the Next World you want, then it is Mālik ibn Anas you need."<sup>94</sup>

Abū Yūsuf said: "I have never seen anyone more knowledgeable than [these] three people" – and he mentioned Mālik, Abū Ḥanīfa and al-Layth ibn Sa'd.<sup>95</sup>

'Umar ibn Yaḥyā ibn Sa'īd al-Anṣārī had a dream on the night when Mālik died in which he saw someone saying:

Islam has awakened to find one of its foundations rocked

On the morning when the guide settled in his place in the grave.

The Imam of Guidance was always a place of refuge for knowledge –

May the peace of Allah be upon him until the end of time.<sup>96</sup>

Ibn Ḥazm al-Zāhirī criticised the composer of these verses, saying, "Islam still exists and its foundation has not been rocked. Its foundation – thanks be to Allah – is still standing, without having been rocked" – or words to that effect. However, this criticism of his only makes sense according to his *madhhab*, which has been said to go beyond the limits of what is correct (*al-mansūb fīhi ilā l-khurūj*). According to the *madhhab* of the People of the Sunna and those who know the language of the Arabs, and how implication, metaphor and ellipsis are used in it, this is not the case. Rather, what is meant by these words is simply exaggerated praise of Mālik – may Allah be pleased with him. They are not intended to be taken literally, or to be saying that Islam has an actual foundation which was rocked from its place.

Even more exaggerated than this is what Ibn al-Mubārak said in his praise of Mālik – may Allah have mercy on both of them – and it is one of the most extreme exaggerations of the Mālikīs in their praise of Mālik – may Allah have mercy on him:

A man of silence, when silence is an adornment for its people –

One who breaks the seal of untouched, virgin words.

He contained every wisdom that the Qur'an contained

And correct behaviour was part and parcel of his flesh and blood.<sup>97</sup>

It is related that Mālik was once asked about a woman who was washing the corpse of another woman. When she put her hands on the dead woman's private parts, she said, "How many times have you committed *zinā* with this!" or "How many times have you allowed this to be entered!" whereupon her hand stuck fast to the dead woman's private parts, and no one was able to remove it. When the *'ulamā'* were asked about this, some said that the washer's hand should be cut off, while others said that it should be the dead woman's private parts that should be cut off. Mālik was asked about it, and he said, "I think she should be flogged with the penalty for slander (*qadhf*)."<sup>98</sup> This was done, and her hand came loose from the dead woman's private parts.

Among examples of the exaggerated praise [of al-Shāfi'ī] by the Shāfi'īs are the following lines:

Al-Shāfi'ī is the imam of all people

In knowledge, self-restraint, correct behaviour and courage.

He is the complete caliph as far as this world is concerned,

And it is right for the caliphate to be among the sons of al-'Abbās.

His companions are the best companions, and his *madhhab*

Is the best *madhhab*, in the eyes of both Allah and all people.

It will be clear how far this is a mere claim and self-delusion. This sort of thing would never be said by a Mālikī.



It is related that the governor of Makka once passed by al-Shāfi'ī while he was reciting poetry with some men of the tribe of Hudhayl. He asked him, "Are you from Hudhayl or Quraysh?" [Al-Shāfi'ī] said, "I am from Quraysh." He said, "Why don't you spend your time seeking knowledge? That would be better for you than spending your time reciting poetry." Al-Shāfi'ī said, "Who should I study under?" He said, "Over there is Mālik, disseminating knowledge among the people in the City of the Messenger of Allah, may Allah bless him and grant him peace, and you ask who you should study under!" Al-Shāfi'ī said, "Who will give me an introduction to Mālik?" The governor said, "I will write one for you." So he wrote a letter to the governor of Madina and another to Mālik. The governor of Madina took him in to see Mālik and gave him the letter. Mālik did not consider that a trivial matter and said, "Has it come to the point where knowledge is sought by intermediaries?!" – may Allah have mercy on all of them.<sup>98</sup>

In the *Madārik*, [it says:]

Abū Muḥammad al-Ḍarrāb said: "There were many among his own generation, including both those who died before him and those who died after him, who related from him, such as Ibn Jurayj, Ibn 'Ajlān, al-Darāwardī, 'Abdallāh ibn Ja'far al-Madīnī, al-Layth, the two Sufyāns [i.e. Sufyān al-Thawrī and Sufyān ibn 'Uyayna], Nāfi' the Qur'an-reader, 'Abd al-'Azīz ibn al-Mājishūn, the two Ḥammāds [i.e. Ḥammād ibn Salama and Ḥammād ibn Zayd], al-Zanjī, Abū Ḥanīfa and his two companions [i.e. Abū Yūsuf and al-Shaybānī], Wakī', Shu'ba, al-Awzā'ī, and others." [...]

Ja'far al-Firyābī said: "I know of no one other than Mālik from whom so many great imams transmitted [*ḥadīth*] although they died well before him: Yahyā ibn Sa'id died thirty-five years before him, Ibn Jurayj thirty years [before him], al-Awzā'ī twenty years [before him], al-Thawrī eighteen years [before him], and Shu'ba seventeen years [before him]."

The Qadi and Imam Abū l-Faḍl [i.e. 'Iyād] said: "And Abū Ḥanīfa [died] thirty years before him, and Hishām [ibn 'Urwa] more than that."<sup>99</sup>

Qadi 'Iyād also mentions in his *Madārik* that Abū Ḥanīfa, who died thirty years before Mālik, was considered to be one of those who studied under him and transmitted from him.<sup>100</sup>

The shaykh and *khaṭīb* Abū Bakr Aḥmad ibn 'Alī al-Ḥāfiẓ [i.e. al-Khaṭīb al-Baghdādī] – may Allah have mercy on him – records [the following report] in his book about those transmitting from Mālik [i.e. *Asmā' al-ruwāt li-l-Imām Mālik ibn Anas*] – may Allah have mercy on him – under the heading "al-Nu'mān ibn Thābit, Abū Ḥanīfa, the *faqīh*":

Muḥammad ibn 'Alī ibn Aḥmad al-Ṣāliḥī<sup>101</sup> told us: Abū Zur'a Aḥmad ibn al-Ḥusayn ibn 'Alī al-Rāzī told us: 'Alī ibn Muḥammad ibn Mahdawiyya<sup>102</sup> told us: al-Ḥurr<sup>103</sup> ibn al-Ṣalt told us: al-Qāsim ibn al-Ḥakam al-Qurashī<sup>104</sup> told us: "Abū Ḥanīfa told us, from Mālik, from Nāfi', from Ibn 'Umar, that Ka'b ibn Mālik came to the Prophet, may Allah bless him and grant him peace, and asked him about a shepherd-girl of his who was once looking after some sheep of his and, being worried that one of the sheep was about to die, slaughtered it with a stone. The Prophet, may Allah bless him and grant him peace, said that it could be eaten." This was how he said it, "from Nāfi', from Ibn 'Umar".

Qadi 'Iyād says: "This is incorrect. The correct version [of the *isnād*] is '[from Mālik, from Nāfi'] from a man among the Anṣār, that Mu'adh ibn Sa'd – or Sa'd ibn Mu'adh – told him that a slave-girl of Ka'b ibn Mālik's was once looking after some sheep in Sal' . . .' – and so on to the end of the *ḥadīth*."<sup>105</sup>

[Qadi 'Iyād also says, in the *Madārik*:]

Even more surprising than all of these is al-Zuhri, who died fifty-five years before Mālik. Abū l-Ḥasan al-Dāraqutnī said: "I know of no one else either before or after him who combined what Mālik combined. This is because two different people who died nearly one hundred and thirty years apart both related the same *ḥadīth* from him. Muḥammad ibn Shihāb al-Zuhri, his shaykh, died in the year 125 AH,<sup>106</sup> while Abū Ḥudhāfa died after the year 250 AH, and both related from him the *ḥadīth* of Furay'a about where a woman should stay during her 'idda period."<sup>107</sup>

It will now be clear to you – may Allah grant you and myself success – that the fact that all these great and well-known imams, and others, studied under him is evidence of the greatness of his stature and the knowledge which Allah gave especially to him and not to others, and that no one else had so many such shaykhs study under him.

Another special characteristic of his is the number of testimonies to his breadth of knowledge. Shaykh Ṣalāḥ al-Dīn al-Ṣafadī al-Shāfi'ī – may Allah have mercy on him – says in one of his commentaries, after mentioning many of the special characteristics of the first generations (*salaf*) and the great men of knowledge: "Mālik had the special quality of knowledge; Abū Ḥanīfa had the special quality of understanding *qiyās*;<sup>108</sup> and al-Shāfi'ī had the special quality of understanding *ḥadīth*." You can see – may Allah have mercy on you – how he accorded Mālik the special quality of knowledge in an unqualified way, even though he did not follow his *madhhab* – may Allah have mercy on all of them.



It is related that a great Sufi once met al-Khiḍr – upon whom be peace – and asked him, “What do you say about Mālik ibn Anas?” He said, “He is the Imam of the Imams.” He then asked him, “What do you say about al-Shāfi‘ī?” He said, “He is one of the *abdāl* (the Substitutes).”<sup>109</sup> He then asked him, “What do you say about Aḥmad ibn Ḥanbal?” He said, “He is a man of total honesty (*ṣiddīqī*).”

You can thus see – may Allah have mercy on you – how he affirmed Mālik’s being an imam – may Allah have mercy on him.

### Why the people of the West follow Mālik

[You should] know that when the Maghribīs and the ‘*ulamā*’ of al-Andalus wanted to seek knowledge, they would head for the City of the Messenger of Allah, may Allah bless him and grant him peace, which is the place to which he emigrated, the place where he settled, and the place where the revelation was revealed to him. There they found Mālik, who was the most knowledgeable of the people of his time with regard to the Book, the Sunna, the opinions of the Companions, *qiyās*, understanding words and their meanings, and knowing those matters on which there was consensus and those about which there was difference of opinion. They found the people of standing among the ‘*ulamā*’ of his time agreed on his copious knowledge, *dīn* and self-restraint (*zuhd*), and no one disagreed with that except for certain people of innovation (*bid‘a*), false belief and prejudice whose differences of opinion are not worthy of being considered. So they took from him the knowledge and ‘*amal*’ of the people of Madina and returned to their country, where they ousted all the *madhhabs* of the people of Iraq and any others. For in the Maghrib and al-Andalus there used to be the *madhhabs* of al-Awzā‘ī, al-Layth, Dāwūd [al-Zāhirī] and others, until the *madhhab* of Mālik reached them and they found out who he was, and took on his *madhhab* and acted according to it – may Allah be pleased with him. This they did because he was the most knowledgeable of people by virtue of the testimony of the three imams of the rank of *ijtihād*, and others, whose rank he shared as far as knowledge of *ḥadīth*, *fiqh* and other matters was concerned, as we have already seen. They are all witnesses whose character and testimony are above suspicion – except when there is little desire for fairness, but only for aggrandisement, along with ignorance and prejudice – and we seek refuge in Allah from going against them or believing (*i‘tiqād*) any other than what they believed – may Allah be pleased with all of them.

A Ḥanafī ‘*ālim* once said, “Mālik is buried in the Maghrib, and that’s why the Maghribīs follow him.” How can anyone of this ilk know who Mālik or anyone else is?

As for the people of Egypt, Iraq and elsewhere, the *madhhab* of Mālik came to their countries but they took no great interest in it. If they had done

so, they would be as concerned about it as the Maghribīs are up to the present day.

### Selections from Abū Nu‘aym’s *Ḥilya*

Abū Nu‘aym says, in his *Ḥilyat al-Abrār*:<sup>110</sup>

Among them also is the Imam of the Two Ḥarams, the one whose excellence is well known in the lands of the Hijāz and the two Iraqs, and whose *madhhab* has spread far in the West and the East, Mālik ibn Anas – may Allah be pleased with him. He was a man of nobility and great intellect, who inherited the *ḥadīth* of the Messenger and disseminated the knowledge of both legal judgments and principles among his community. He was a man of *taqwā* who had to face trials – may Allah have mercy on him.<sup>111</sup>

He then says, in the same book: “Muḥammad ibn ‘Alī ibn ‘Āṣim told us: I heard al-Mufaḍḍal ibn Muḥammad al-Jundī say: [I heard Abū Muṣ‘ab say:]<sup>112</sup> I heard Mālik ibn Anas say: ‘I never gave a *fatwā* until seventy people had testified that I was fit to do so.’”<sup>113</sup>

In the same book it says:

Khalaf ibn ‘Umar<sup>114</sup> said: “I heard Mālik say: ‘I never answered with a *fatwā* until I had asked someone who was more knowledgeable than me whether he thought I was suitable for that or not. I asked Rabī‘a, and I asked Yaḥyā ibn Sa‘īd, and they both said that I could do that.’ I said to Mālik, ‘Abū ‘Abdallāh! What if they had said “No”?’ He said, ‘Then I would not have done so. It is not correct for someone to think himself fit for something until he has asked someone who is more knowledgeable than him.’”

Khalaf also said: “I went in to see Mālik, and he said to me, ‘Look under that prayer mat, or rug, of mine.’ So I looked, and there was a page with writing on it. He said, ‘Read it out.’ It was a dream that one of his brothers had had about him, and it said: ‘I saw the Prophet, may Allah bless him and grant him peace, in a dream. He was in his mosque, and everybody was gathered around him. He said to them, “I have hidden away perfume and knowledge for you and I have told Mālik to distribute it to people.” Everyone went away, saying, “In that case, Mālik will carry out what he has been told to do by the Messenger of Allah, may Allah bless him and grant him peace.”’ Mālik wept, and I got up and left him.”<sup>115</sup>

In the *Masālik* it says that Mālik said: “I sat with Ibn Hurmuz for sixteen years learning a knowledge which I have not passed on to anyone.”<sup>116</sup>



**Two dreams about Mālik in Ibn Ḥajar's *Tawālī al-ta'sīs***

Our lord, master and shaykh, the Chief Qadi and Shaykh of Islam, Shāh al-Dīn Ibn Ḥajar – may Allah give us benefit by him – mentions in his book *Tawālī al-ta'sīs fī ma'ālī Ibn Idrīs*:

[Ibn Abī Ḥātim said:] Muḥammad ibn Muslim [ibn Wāra] said: "When Abū Zur'a al-Rāzī died, I saw him in a dream. I said to him, 'How has Allah treated you?' He said, 'He said to me, "Put him with Abū 'Abdallāh, Abū 'Abdallāh, and Abū 'Abdallāh'" – the first being Mālik ibn Anas, the second al-Shāfi'ī, and the third Aḥmad ibn Ḥanbal – may Allah be pleased with all of them."<sup>117</sup>

Thus he mentioned Mālik first before the other two.

In the same book of our master, it says:

'Uthmān ibn Khurrazādh<sup>118</sup> said: "I once had a dream in which it was as if it was the Day of Rising. It was as if [Allah had appeared to decide everyone's fate, all creation were gathered together and] there was a caller calling from the middle of the Throne, saying, 'Let Abū 'Abdallāh, Abū 'Abdallāh, Abū 'Abdallāh and Abū 'Abdallāh go into the Garden!' I said to an angel next to me, 'Who are these people?' He said, 'Mālik, al-Thawrī, al-Shāfi'ī, and Aḥmad ibn Ḥanbal.'<sup>119</sup>

– may Allah be pleased with all of them.

Thus in both stories Mālik is mentioned first before the others, and Allah knows best.

**Al-Qarāfī on Mālik's special qualities**

Al-Qarāfī says in his *Dhakhīra*, when mentioning the special qualities which show that Mālik – may Allah be pleased with him – was an imam:

Among these [special qualities] is that he dictated some one hundred and fifty volumes of legal judgements according to his *madhhab*, to the extent that there is hardly any issue about which he does not have a *fatwā*. This is in contradistinction to the other imams of the rank of *ijtihād*, who only have a small number [of such volumes, such as the *Umm* of al-Shāfi'ī, and various *fatwās* according to the *madhhabs* of Aḥmad and Abū Ḥanīfa which are scattered among the books of their companions].<sup>120</sup> Their companions then based the rest of their respective *madhhabs* on what their imams happened to have spoken about. It is well known that a judge-

ment that has been derived in such a way may accord with the intention of the one who made the original judgement, but that it may also differ from it, to the extent that if the one who made the original judgement were told about the derived judgement he would deny it.

Another [special characteristic] is that Allah guided him to knowledge of, and contentment with, the *'amal* ("practice") of the people of Madina, consisting of the legal judgements and *sunnas* which had been transmitted by sons from their fathers and by later generations from earlier ones by multiple transmission (*bi l-naql al-mutawātir*), because both they and their forebears were living in the same city. Such transmission thus ceases to come under the category of probability and speculation and comes rather under that of knowledge and certainty. This was an opportunity that other people did not have, which is why, when Abū Yūsuf saw Mālik's evidence regarding the *ṣā'* and the *mudd*, the *adhān*, *awqāf*,<sup>121</sup> and many other judgements, he forsook his teacher's *madhhab* on these points and followed the *madhhab* of Mālik – may Allah have mercy on all of them.<sup>122</sup>

In fact, Qadi 'Iyād notes that Abū Yūsuf and Muḥammad ibn al-Ḥasan went against Abū Ḥanīfa on more than a third of his *madhhab* because of what they learnt when they met Mālik in Madina, and because of their *dīn*, knowledge and honesty – may Allah have mercy on both of them.<sup>123</sup>

We shall look later at the soundness of the sources of the people of Madina, God willing.

**An unlikely *karāma* attributed to Mālik**

It is related that Ibn al-Qāsim went into the public baths with Mālik and saw written on his thigh in the writing of Divine Power, "Mālik is Allah's proof against His creation", but Mālik instructed him not to tell anyone about it so that he would not be tempting people to follow his *madhhab* [for the wrong reason].

I myself think that this is highly unlikely – even though the minor miracles of the friends of Allah (*karāmāt al-awliyā'*) are not something to be denied – because, if it were true, Ibn al-Qāsim would have told people about it after Mālik's death. It is possible, however, that Mālik had instructed him not to tell anyone about this either during his life or after his death, and Allah knows best.

It is also said that the man who washed Mālik's corpse saw this on his thigh as he was washing him. However, I have not come across this myself or seen it transmitted in any reliable source, and Allah knows best.



Selections from *al-Yawāqīt al-muraṣṣa'a*

In his book *Al-Yawāqīt al-muraṣṣa'a fī manāqib al-arba'a*, Ibn Ḥiyāsa (?)<sup>124</sup> al-Mālikī al-Iskandarī says:

It is related<sup>125</sup> that Ibn al-Qāsim said: "One day I was sitting by Mālik's door, waiting to learn from him. I fell asleep, and Mālik came out without me being aware of it. A servant-girl woke me up and said, 'The one you came to see went out while you were asleep, whereas he has prayed *ṣubḥ* with the *wuḍū'* of 'ishā' for forty years!'"<sup>126</sup>

The same thing is also related about Abū Ḥanīfa – may Allah be pleased with him.

In the same book [it says] that a man once asked Mālik – may Allah be pleased with him – about knowledge of the inward. Mālik got angry with him and said, "Knowledge of the inward is something that is only known by someone who has knowledge of the outward. When someone has knowledge of the outward and acts according to it, Allah opens up knowledge of the inward for him; this never happens without an opening and illumination of the heart." Then he turned to the man and said, "Follow what is clear [of the *dīn*]<sup>127</sup> and be careful not to get sidetracked. Follow what you know and leave what you don't know."<sup>128</sup>

One can see in this report that Mālik did not deny knowledge of the inward but, on the contrary, affirmed it. This is similar to al-Junayd's words – may Allah have mercy on him: "All paths in creation are blocked except following in the footsteps of the Prophet, may Allah bless him and grant him peace, and acting according to his *sunna*."<sup>129</sup>

In the same [book it also says] that Mālik – may Allah have mercy on him – said: "If there is no good in someone for himself, there is no good in him for others."

In the same book [it also says] that when al-Shāfi'ī bade farewell to Mālik, Mālik said to him, "Abū 'Abdallāh! Have fear of Allah, and do not put out this light by wrong action."

In the same book [it also says] that a man once asked Ḥammād ibn Zayd about what to do in a situation where scholars held different views. Ḥammād told him to follow Mālik, and was of the opinion that Mālik was a decisive argument (*ḥujja*) and that his *madhhab* was safer (*aslam*), both for himself and for the one asking the question.

In the same book [it also says]: "Part of what shows the extent of Sufyān ibn 'Uyayna's scrupulousness – may Allah be pleased with him – was his opinion that Mālik was a decisive argument (*ḥujja*) between a man and his Lord, and that he refused to take that stance with regard to anyone else

after Mālik's death and that he had never beforehand said about anyone else what he said about Mālik."

In the same book [it also says] that al-Awzā'ī – may Allah have mercy on him – used to instruct those who were going to the Ḥijāz to greet Mālik for him and would tell them to say to him, "Don't forget us in your *du'ā'*. We want you to stay alive for the *umma*."

In a different source it is related that Mālik's companions would sit in front of him to learn from him, as still "as if there were birds on their heads".<sup>130</sup> Once a snake got in among the circle of people and couldn't find a way out, until eventually it did so by going between the shoulders of two of the people there, with nobody in the circle moving in the slightest.

Mālik's care in relating *ḥadīth*

It is related that Mālik – may Allah have mercy on him – said: "I have met people [here] in Madina who, if they had been entrusted with a whole treasury would not have betrayed their trust, and from whom I learnt many, many *ḥadīths* . . ." – and here the narrator mentioned a large number of *ḥadīths*, perhaps some fifty thousand or so – ". . . but it is not permissible for me to pass on any of these *ḥadīths* from them because they were not people of this business."<sup>131</sup>

Mālik also said: "I have met people [here] in Madina who had no faults [of their own] but who spoke about other people's faults, and so people found fault with them. I have also met people [here] in Madina who had their own faults but who kept quiet about other people's faults, and so other people kept quiet about theirs."<sup>132</sup>

'Abdallāh ibn Wahb said: "I said to Mālik during the sickness from which he died, 'People say that you permit anal intercourse.' He said, 'I seek refuge in Allah! They are lying about me.' He then recited Allah's words, 'Your women are a tilth for you, so come to your tilth however you wish' (Q.2:223), and said, 'Does tillage take place anywhere other than in the place where you sow?'"

Selections from al-Ghāfiqī's *Musnad Ḥadīth Muwaṭṭa' Mālik*

In the collection of the *musnad ḥadīths* in the *Muwaṭṭa'* of Mālik – may Allah have mercy on him – made by the knowledgeable 'ālim Abū l-Qāsim 'Abd al-Rahmān ibn 'Abdallāh ibn Muḥammad al-Jawharī al-Ghāfiqī<sup>133</sup> al-Miṣrī – may Allah have mercy on him – it is related that Ibn Abī Uways said: "I heard my maternal uncle, Mālik ibn Anas, say, 'This knowledge is a *dīn*, so look to who you take your *dīn* from. I have met seventy of those who say, 'So-and-so said that the Messenger of Allah said . . .' by these



pillars' – and he pointed to the mosque of the Messenger of Allah, may Allah bless him and grant him peace – 'and yet I have never taken anything from them, although any one of them, if he were to be entrusted with a treasury, would fulfil his trust. This was because they were not people of this business. But when Ibn Shihāb al-Zuhrī came to us, people crowded around his door.'<sup>134</sup>

In [the same book], it is related from Ibn Wahb that Mālik said: "I went to see 'Ā'isha bint Sa'd but considered her a weak source and so did not transmit anything from her except her saying 'My father had [a tub (*mirkān*) which would be filled with water and] which my father and all his family would use for doing *wuḍū'*.'"<sup>135</sup>

I say: If this is authentic, then Mālik is a Successor, because this 'Ā'isha is the daughter of [the Companion] Sa'd ibn Abī Waqqāṣ – may Allah be pleased with him.<sup>136</sup>

In [the same book], it is related that Sufyān ibn 'Uyayna – may Allah have mercy on him – said: "May Allah have mercy on Mālik! How critical he was of the men from whom he transmitted!"<sup>137</sup>

In [the same book], it is related that al-Shāfi'ī said: "If you find the earliest people (*mutaqaddimīn*) among the people of Madina [agreed] on something, let there be no doubt in your heart that it is the truth. But if anything comes to you from any other source, don't pay attention to it and don't bother yourself with it, or you will find yourself falling into the waves of the sea."<sup>138</sup>

In [the same book], it is related that al-Shāfi'ī said: "If Mālik had any doubt about a part of a *ḥadīth*, he would discard all of it."<sup>139</sup>

In [the same book], it is related that Ibrāhīm ibn 'Abdallāh ibn Quraym, the *qādī* of Madina, said: "Mālik ibn Anas once passed by Ibn Abī Ḥāzim while he was teaching *ḥadīth* and went right past him. Someone asked him about that and he said, 'I couldn't find any space to sit down in, and I didn't want to learn the *ḥadīth* of the Messenger of Allah, may Allah bless him and grant him peace, standing up.'"<sup>140</sup>

In [the same book], it is related that Ibn<sup>141</sup> Lahī'a said: "Muḥammad ibn 'Abd al-Raḥmān – that is, Abū l-Aswad, the orphan of 'Urwa ibn al-Zubayr – came to us in the year 131 AH. I asked him, 'Who is there in the Ḥijāz who will be able to give opinions (*man li-l-ra'y*) after Rabī'a?' He said, 'The young Aṣbaḥī man.'"<sup>142</sup>

In [the same book], it is related that when Rabī'a saw Mālik, he would say, "Here comes the intelligent one."<sup>143</sup>

I say: A sign of his intelligence – may Allah have mercy on him – is that when he was asked about the disagreements that had arisen among the Companions, he said: "That was bloodshed by which Allah purified our swords, so let us not dirty our tongues with it."

In [the same book], it is related that both Sufyān and Yahyā ibn Sa'id al-Qaṭṭān said: "Mālik is the *amīr al-mu'minīn* with regard to *ḥadīth*."

In [the same book], it is related that Imam Aḥmad – may Allah have mercy on him – said: "Mālik followed [the *sunna*] more closely than Sufyān al-Thawrī"<sup>144</sup> – may Allah be pleased with all [three] of them.

In [the same book], it is related that when Yahyā ibn Ma'in was asked about Mālik, he said: "Don't talk about Mālik. Mālik is the *amīr al-mu'minīn* with regard to *ḥadīth*."

In [the same book, it is related that] Yahyā ibn Ma'in was asked, "Who is higher in your esteem, al-Layth or Mālik?" He said, "Mālik." [The man] said to him, "Isn't Mālik the most highly esteemed of all al-Zuhrī's companions?" He said, "Yes." Someone then asked, "Who in your opinion is the most accurate in their transmission from Nāfi': 'Ubaydallāh or Mālik?" He said, "Mālik." He then added, "Mālik is the most accurate of [all] people."<sup>145</sup>

In [the same book], it is related that someone asked 'Abd al-Raḥmān ibn Mahdī, "O Abū Sa'id! I have heard that you say that Mālik is more knowledgeable (*afqah*) than Abū Ḥanīfa." He said, "I didn't say that; but what I would say is that Mālik is more knowledgeable than Abū Ḥanīfa's master", meaning Ḥammād ibn Abī Sulaymān,<sup>146</sup> although it is also said that he meant Ḥammād ibn Salama.<sup>147</sup>

Ibn Mahdī said: "I have never seen anyone more intelligent than Mālik."

In [the same book], it is related that al-Shāfi'ī said: "There is no book after the Book of Allah that is more correct than Mālik's book", meaning the *Muwatta'*.<sup>148</sup>

In [the same book], it is related that Ibn Abī Uways said: "I heard Mālik say, 'The Qur'an is the word of Allah, and the word of Allah is from Allah, and there is nothing in Allah that is created.'"<sup>149</sup>

It is also related that Mālik, may Allah be pleased with him, said: "Belief consists of words and actions."

In [the same book, it also says that] 'Abd al-Razzāq said: "I heard Mālik say, 'Belief consists of words and actions, and can increase and decrease.'"<sup>150</sup> I also heard Ma'mar, Sufyān al-Thawrī, Ibn Jurayj and Ibn 'Uyayna saying the same."

In [the same book, it also says]: "Mālik was asked about someone who says that the Qur'an is created and he said, '[He is] a *zindīq* and a *kāfir*. Kill him.'"<sup>151</sup>

In [the same book, it also says]: "Mālik was asked about playing chess. He said, 'Is it part of the truth?' He was told, 'No.' He said [quoting Q.10:32], "'What is there after the truth except misguidance?'"<sup>152</sup>

#### Mālik's death

When Ḥammād ibn Zayd heard about Mālik's death, he wept until his tears flowed profusely, and said, "May Allah have mercy on Abū 'Abdallāh! He had a high standing in the *dīn*!"<sup>153</sup>



In the same book, it is related that Sa'īd ibn 'Abd al-Jabbār said: "We were with Sufyān ibn 'Uyayna when we heard of the death of Mālik ibn Anas, and he said, 'By Allah, the lord of the Muslims has died.'"

In [the same book, it also says]: "I heard Sufyān saying, 'Mālik was the lord of the Muslims.'"

I say: He meant, during his time.

In [the same book], it is related that Sufyān said: "He left behind no one like him"; or, "He left behind no one like him on [the face of] the earth."

In the same book, it is related that Mūsā ibn Zakariyyā al-Tustarī said: "The youth of the age (*shabāb al-ʿaṣr*)<sup>155</sup> was Mālik ibn Anas ibn 'Abd 'Āmir of Dhū Aṣḥab of Ḥimyar, who died in the year 179, and was known by the *kunya* of Abū 'Abdallāh."

In [the same book], it is related that Ibn Abī l-Aswad said: "Mālik ibn Anas, Ḥammād ibn Zayd, and Abū l-Aḥwas<sup>156</sup> all died in the year 179."

In [the same book], it is related that Yahyā ibn Yahyā ibn Bukayr said: "I heard Mālik ibn Anas say, 'I was born in the year 93.'" Yahyā said: "And he died in Rabīʿ al-Awwal in the year 179."

In [the same book], it is related that Muḥammad ibn 'Umar said: "Mālik lived for ninety years, and never once shaved his neck or entered the public baths."

### Three dreams about Mālik in al-Nawawī's *Tahdhīb al-asmā'*

It is related in Shaykh Muḥyī l-Dīn al-Nawawī's *Tahdhīb al-asmā'* wa-l-*lughāt* that Khalaf ibn 'Umar said: "I was once with Mālik – may Allah be pleased with him – when Ibn [Abī] Kathīr,<sup>157</sup> the *qārī* of Madina, came to him and gave him a page with some writing on it which he looked at and then put under his prayer mat. When he got up to leave, I started to get up but Mālik said, 'Sit down, Khalaf', and gave me the page. On it was written: 'I had a dream last night in which it was as if someone was saying to me, 'There is the Messenger of Allah, may Allah bless him and grant him peace, sitting down.' People were around him saying, 'O Messenger of Allah, give us! O Messenger of Allah, who do we have [now]?' He said to them, 'I have hidden a treasure for you under the *minbar* and I have told Mālik to divide it up among you, so go to Mālik.' Everybody went away, and some were saying to others, 'What do you think Mālik will do?' They said, 'He will carry out what the Messenger of Allah, may Allah bless him and grant him peace, has told him to do.'" At this, Mālik broke down and wept."<sup>158</sup>

In the same book it is related that Muḥammad ibn Rumḥ al-Tujībī said: "I saw the Prophet, may Allah bless him and grant him peace, forty years ago in a dream, and I said to him, 'O Messenger of Allah, [what if] Mālik and al-Layth disagree about a point of law?' He said, may Allah bless him

and grant him peace, 'Mālik, Mālik, Mālik. He inherited from my grandfather' – [meaning]<sup>159</sup> Ibrahim, may Allah bless both our Prophet and him and give them peace."<sup>160</sup>

In the same book it is related that Bukayr<sup>161</sup> said: "I once saw in a dream that I had entered the Garden. I saw al-Awzā'ī and Sufyān al-Thawrī there, but I couldn't see Mālik. I asked, 'Where is Mālik?' I was told, 'Where is Mālik? Mālik has been raised up high!' and he kept on saying, 'Where is Mālik? Mālik has been raised up high!', [looking upwards] until his head-cap fell off."<sup>162</sup>

The quotations from *Tahdhīb al-asmā'* end here.

In another source it says that Mālik was asked, during the sickness from which he died, "Why did you stop going to the Jumu'a and *jamā'a* prayers?" He said, "If I were not in this condition, I would not have told you. I was suffering from incontinence, and I did not want to cause any impurity in the mosque of the Messenger of Allah, may Allah bless him and grant him peace."<sup>163</sup>

I say: People say that he stopped going to the mosque because of how bad the times had become (*fasād al-zamān*), but the truth is what has just been mentioned.

It is related that 'Abd al-Raḥmān ibn Mahdī once put his mantle (*taylasān*) on the ground in front of him during the prayer because of the extreme heat, and Mālik saw him [do this]. When the prayer was over, Mālik said, "Are there any guards here?" and some guards came over. Mālik said to them, "Take him to the prison." Someone said, "But he is a great man of knowledge!" Mālik said, "No one should introduce into this prayer of ours what isn't part of it", and he wouldn't let him go until witnesses had testified that he wasn't a man of innovation, at which point he said, "Leave him, then" and let him go on his way."<sup>164</sup>

### Further selections from Abū Nu'aym's *Ḥilya*

In Abū Nu'aym's *Ḥilya*, it says: "Ibn Muzāḥim,<sup>165</sup> a devotee (*min al-ʿubbād*) who kept company with Ibn al-Mubārak, said: 'I saw the Prophet, may Allah bless him and grant him peace, in a dream and I said to him, 'O Messenger of Allah, who should we ask when you have gone?' He said, 'Mālik ibn Anas.'"<sup>166</sup>

In [the same book] it is related that Muṭarrif Abū Muṣ'ab<sup>167</sup> said that Abū 'Abdallāh, the *mawlā* of the Laythīs and a man of excellence, said: "[I had a dream in which] I saw the Messenger of Allah, may Allah bless him and grant him peace, sitting in the mosque with people around him and Mālik standing in front of him. In front of him there was some musk, and he was taking handful after handful of it and giving it to Mālik, and Mālik was distributing it among the people." Muṭarrif said: "I interpreted that as knowledge and following the *sunna*."<sup>168</sup>



In [the same book] it is related from 'Abdallāh ibn Muḥammad ibn Ja'far, from Muḥammad ibn Aḥmad al-Zubayrī,<sup>169</sup> from Muḥammad ibn 'Āṣim, from 'Abd al-'Azīz ibn Abān, that al-Muthannā ibn Sa'īd al-Qaṭṭān (?)<sup>170</sup> said: "I heard Mālik ibn Anas say: 'I have never slept a night without seeing the Messenger of Allah.'"<sup>171</sup>

In [the same book] it is related from Muḥammad ibn Ibrāhīm ibn 'Alī [that Muḥammad ibn Zabān ibn Ḥabīb] heard Muḥammad ibn Rūm al-Tujībī say: "I saw the Messenger of Allah, may Allah bless him and grant him peace, in a dream and said, 'O Messenger of Allah. We find differences of opinion between Mālik and al-Layth. Which of them is more learned?' He said, 'Mālik inherited from my grandfather.'"<sup>172</sup>

In [the same book] it is related that one of the Madinans praised Mālik in the following lines [of poetry]:

He declines to answer and no one asks him again, out of awe of him,  
and the questioners sit with their heads bowed.

[His is] the courtesy of eminence, and the nobility and authority of  
God-fearingness.

He is the one who is obeyed, although he is not one in authority.<sup>173</sup>

In [the same book] it is related that Ibn Mahdī said: "I do not put anyone above Mālik with regard to authentic *ḥadīth*."<sup>174</sup>

In [the same book] it is related that Ishāq said: "I heard Mālik ibn Anas say, 'I heard many *ḥadīths* from Ibn Shihāb which, until now, I have never passed on.' I said, 'Why, O Abū 'Abdallāh?' He said, 'They were not in accordance with the practice (*ʿamal*) [here] and so I have left them [alone].'"<sup>175</sup>

In [the same book] it is related that Mālik said: "I have met seventy Successors in this mosque, but I only took knowledge from those who were reliable and trustworthy."<sup>176</sup>

In [the same book] it is related that Sa'īd ibn Sulaymān said: "I rarely heard Mālik giving a *fatwā* about something without him reciting the verse 'We are just speculating, and we are not certain' (Q.45:32)."<sup>177</sup>

In [the same book] it is related from al-Ḥārith ibn Miskīn that 'Amr ibn Yazīd,<sup>178</sup> who was a shaykh from Egypt and a friend of Mālik ibn Anas, said to Mālik, "O Abū 'Abdallāh! People come to you from different countries having travelled long distances, having tired out their camels and expended large sums of money, to ask you about the knowledge which Allah has given you, and then you say 'I don't know!'" Mālik said, "A Syrian may come from Syria, or an Iraqi from Iraq, or an Egyptian from Egypt, and then ask me about something which I may later have a different opinion on to the answer I have given them. [Where, then, will I find them?]" 'Amr said, "I told al-Layth ibn Sa'd what Mālik had said and he wept." Then he said, "By Allah, Mālik was firmer (*aqwā*) in this than al-Layth. By Allah, al-Layth was not as firm in this as Mālik."<sup>179</sup>

Qadi 'Iyād relates [in his *Madārik*] that al-Qaṭṭān said: "Other people's knowledge was on the increase, while Mālik's was on the decrease. If he had lived [longer], he would have got rid of everything he knew" – meaning, 'Iyād explains, out of a concern for accuracy (*taḥarriyan*)."<sup>180</sup>

Mālik said: "I wish I could be flogged a hundred times for every *fatwā* [I have given], and you know how little I am able to bear being flogged." By this he meant that he could not give a *fatwā* without feeling worried about the possible consequences, out of his fear of Allah.

It is related that a man wanted to walk in front of Mālik while Mālik was doing the prayer, because of the distance between him and his *sutra*. He said to Mālik, "Move closer to your *sutra*." Mālik did so, and recited [the verse], "And He taught you what you didn't know, and Allah's generosity to you is immense" (Q.4:113).

When Mālik was tested, beaten with whips and paraded around Madina because of [his judgement about] a forced divorce being invalid, he would say, every time his public accuser had finished, "I am Mālik ibn Anas, and those who know who I am, know who I am. A forced declaration of divorce is not valid."<sup>181</sup>

It is related that he was asked about forty points [of law] and gave an answer to only four of them, while to the rest he said, "I don't know." The man said, "What am I to say to those who asked the questions when I get back to them?" He said, "Tell them that Mālik doesn't know anything [about these points]."<sup>182</sup> The man's son said to him, "Are you Mālik, and yet you say 'I don't know'? If you wanted to, you would be able to reply with that which seems best to you" – or words to that effect. They say [that Mālik] made a *du'ā* against him and forbade people to have anything to do with him. From that point on no one took a single point of *fiqh* from [this man's] son,<sup>183</sup> because of their respect for knowledge and their desire to protect it.

Qadi 'Iyād relates [in his *Madārik*] that al-Qa'nabī said: "I once went in to see Mālik and I found him crying. I asked him why and he said, 'Who has more right to cry than me? I never say a word without it being written down by pens and carried away to far horizons.'" [Mālik added]: "I have only ever spoken out of my own opinion on three points [of *fiqh*]."<sup>184</sup>

Compare – may Allah have mercy on you all – these words of Mālik with what our lord and master, the Chief Qadi, Ibn Ḥajar – may Allah keep him in goodness and health – transmits [in his book *Tawālī al-ta'sīs*, from al-Ḥākim and al-Bayhaqī, that a man asked Imam al-Shāfi'ī – may Allah have mercy on him – ]<sup>185</sup> about a point of *fiqh*, saying to him:

"[What is the judgement about] a man who comes to another and says, 'If there are more than three dirhams [lit. "dirhams more than three (*darāhim akthar min thalātha*)"] in my sleeve, my slave is free', when he actually has four dirhams in his sleeve?"



[Al-Shāfi'ī] said, "He has not broken his oath."

The man said, "Why not?"

He said, "Because he made an exception of more than just one dirham."

The man said, "I believe in the One who caused you to say what you said (*fawwahaka*)!"<sup>186</sup>

Al-Shāfi'ī recited the following lines:

When I am confronted with problems  
I disclose their truth by clear thought (*naẓar*).  
If they appear to me as rainless clouds, flashing lightning,  
Blind, which thinking cannot clarify,  
Veiled with the clouds of uncertainty,  
I place on them the sword of clear sight.  
Nor am I one who only follows others with regard to his narrators,  
Asking this one and that, "What is the situation [with this one]?"  
Rather am I the foremost of the two smaller ones  
And I judge by what has already been established and happened.

In another version, it says:

Rather am I the foremost of the two smaller ones,  
Seeking good and repelling evil.<sup>187</sup>

Both of them were *mujtahids*, and spoke according to what their *ijtihād* led them to, but look what a difference there is between one person's *ijtihād* and another's! Both of them hit the mark, and both of them submitted to the Truth – may Allah have mercy on both.

It is related that Mālik – may Allah be pleased with him – was once asked about a matter, and he said, "Has it happened?" The man said, "No." Mālik said, "Then wait until it has happened." This was because of his great fear of Allah, the Mighty and Majestic, and his being ashamed in front of Allah that he might give a *fatwā* that was not in accord with the will of Allah, the Glorious and Exalted. He would frequently recite the verse [which says], "Say: What would you think if Allah were to send down provision for you and you were to make some of it *ḥarām* and some of it *ḥalāl*? Say: Did Allah give you permission [to do this], or are you making up lies about Allah?" (Q.10:59).

In the *Hilya* it says:

A man came to Mālik and said: "O Abū 'Abdallāh! [Allah says:] 'The Merciful settled on the Throne' (Q.20:5)." How did He settle?"

Mālik was never more angry than he was at that man's question. He looked down at the ground and began making marks in it with a stick that was in his hand until he began sweating profusely. Then he lifted his head, threw the stick away, and said, "How He did it is not something that can be understood by the intellect, nor is His settling something that is unknown. Belief in it is obligatory, and asking questions about it is an innovation (*bid'ā*). I think you are a man of innovation" – and he ordered him to be taken out.<sup>188</sup>

Al-Shirimsāhī records the following addition to this report: "and if you repeat this question I will strike your neck!" The man who asked the question said, "O Abū 'Abdallāh! By Allah, I have asked the 'ulamā' of Kufa, Basra and all Iraq, and not one of them was gifted with the answer you have been gifted with!"

#### Selections from al-Shirimsāhī's *Naẓm al-durr* and other sources

In [al-Shirimsāhī's] *Naẓm al-durr* it states that al-Manṣūr once raised his voice in the mosque of the Messenger of Allah, may Allah bless him and grant him peace. Mālik said to him, "O Commander of the Faithful! Don't raise your voice here. Allah cautioned one group of people saying, 'Don't raise your voices' (Q.49:2), and praised another group of people saying, 'Those who lower their voices in the presence of the Messenger of Allah . . .' (Q.49:3)."

In the same book, al-Shirimsāhī says:<sup>189</sup>

Part of what I heard in Cairo from the right-acting shaykh Taqī al-Dīn Abū l-Ṭāhir al-Khaṭīb, who was one of the last of the old generation of teachers of the Shāfi'ī *madhhab* – may [Allah have mercy on him – when there was mention of the *Riḥlat al-Imām al-Shāfi'ī* – may]<sup>190</sup> Allah be pleased with him – was that he said about the *Riḥla*: "Even if it is true, there are things in it which are unlikely to be true." One of his companions said, "What things are in it?" He said, "One of the things is that Mālik seated al-Shāfi'ī on his chair." His companion said, "And what's wrong with that, if one imam does that for another?" "No-o-o, my son", he said, lengthening the vowel and repeating the phrase three times, "Mālik was greatly honoured in his time. People would be afraid to look at his chair, let alone sit on it. And even if Mālik had offered it to al-Shāfi'ī, al-Shāfi'ī would not have accepted it. Nor had al-Shāfi'ī yet achieved the status he later achieved."



After this he mentions the amount that Mālik used to transmit from his teachers every day, and that one *ʿālim* said, when mentioning his excellence, that he would memorise the equivalent of five notebooks of material from his shaykhs every day. Al-Shirimsāhī adds, "And this shaykh [i.e. Taqī al-Dīn Abū l-Ṭāhir], in addition to mentioning many of the qualities of the Mālikīs, would accord great honour to the Imam and his companions and followers – may Allah be pleased with all of them."

I say: Al-Shāfiʿī's words – may Allah be pleased with him – "I would turn the pages over very gently when in Mālik's presence so that he would not hear anything, because of my great respect for him", bear witness to what al-Khaṭīb said.<sup>191</sup>

In *Naẓm al-durar*, it also says:

The tenth [consideration] is the testimony of the chiefs of the community and the noble ones among the *ʿulamāʾ* that he was the forerunner who could not be beaten and the scholar who could not be matched as far as his knowledge, fear [of Allah], intelligence and serenity were concerned. All of this indicates why he should be given preference, and the way it does so is obvious. The first point [in this connection] is the [large] number of well-known reports and widely and well-established testimonies to this effect. Among these are that a man once asked<sup>192</sup> Sufyān ibn ʿUyayna whether it was possible for a man to be a decisive argument with Allah for those who follow him, and he said, "Mālik was among those whom people would make a decisive argument between them and Allah." Someone said, "But Mālik has gone, so who would you suggest now?" He said, "What are you saying? Such people have gone!"

Someone also said to Sufyān, "Where are you in relation to Mālik?" He said, "Where are we in relation to Mālik?! In relation to Mālik we are just as the poet [Jarīr] said:

When a young three-year old camel is yoked with others,  
It cannot hold its own against solid, powerful nine-year olds."<sup>193</sup>

This is what Sufyān said, and he was the one about whom Imam Aḥmad ibn Ḥanbal said, "I was too late [to meet] Mālik, so I substituted Sufyān for him."

ʿAbdallāh ibn al-Mubārak said: "I never saw anyone among those from whom I wrote down the knowledge of the Messenger of Allah, may Allah bless him and grant him peace, who I was more in awe of than Mālik, nor anyone more concerned about his *dīn* than him. If somebody were to say to me, 'Choose an imam for this community', I would choose Mālik – may Allah be pleased with him – for them!"<sup>194</sup>

He also said – may Allah be pleased with him: "I once saw Mālik being bitten by a scorpion sixteen times. He changed colour and went yellow but didn't stop reading out the *ḥadīth* of the Messenger of Allah, may Allah bless him and grant him peace. When everyone had gone away, I said to him, 'O Abū ʿAbdallāh! I am amazed by what I have just seen!' He said to me, 'I was patient out of respect for the *ḥadīth* of the Messenger of Allah, may Allah bless him and grant him peace.'"<sup>195</sup>

Ibn Abī Ḥāzim once said to al-Darāwardī, "I ask you by the Lord of this building, have you seen anyone more knowledgeable than Mālik?" He said, "By Allah, no!"

Whenever Wakīʿ related *ḥadīths* from Mālik, he would say, "The reliable one (*al-thabt*) told me..." They used to think that "*al-thabt*" was the name of a man until they asked him about it and he said it was Mālik.<sup>196</sup>

ʿAbd al-Raḥmān ibn Mahdī said: "I never saw anyone more intelligent than Mālik, nor anyone that I was more in awe of than Mālik."<sup>197</sup>

I say: An example of Mālik's intellect is when al-Manṣūr once asked to see him at night during a period of fear, and asked Ibn Abī Dhiʿb and a third man to come as well. He asked Ibn Abī Dhiʿb, "What kind of caliph am I in your opinion?" Ibn Abī Dhiʿb said, "A bad caliph, who enjoins the wrong and forbids the right", and he proceeded to list all his bad actions. Then he asked the other man, and he said, "A just caliph, who enjoins the right and forbids the wrong", and he proceeded to list all his good actions. He then said to Mālik, "What kind of caliph am I in your opinion?" and Mālik said, "Exempt me, O Amīr al-Muʾminīn!" and wouldn't answer. After that, al-Manṣūr sent each of them a gift, and said to the one taking the gifts, "If Ibn Abī Dhiʿb accepts it, cut off his head and bring it to me." About the second man he said, "If he refuses it, cut off his head and bring it to me." About Mālik he said, "He can do whatever he wants. If he accepts it, leave him be, and if he refuses it, leave him be. He can do whatever he wants." They say that Ibn Abī Dhiʿb refused to accept the gift, that the second man accepted it, and that Mālik – with his intellect – did whatever he wanted. In this way Allah protected all three of them, because if Ibn Abī Dhiʿb had accepted the gift, [al-Manṣūr] would have said, "He has spoken ill of me in order to receive a gift", while if the other man had refused it, he would have said, "He says what is pleasing to my face but is not happy to accept my gift."

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He also said – may Allah be pleased with him: "I once saw Mālik being bitten by a scorpion sixteen times. He changed colour and went yellow but didn't stop reading out the *ḥadīth* of the Messenger of Allah, may Allah bless him and grant him peace. When everyone had gone away, I said to him, 'O Abū ʿAbdallāh! I am amazed by what I have just seen!' He said to me, 'I was patient out of respect for the *ḥadīth* of the Messenger of Allah, may Allah bless him and grant him peace.'" <sup>195</sup>

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Al-Shirimsāhī says:

It is related that when al-Manṣūr saw how Mālik had encompassed the essence of all knowledge of the *dīn*, and that those who



were living far away from Madina would not give a definitive answer to a matter until they had come to Madina, and that many matters that had become well established (*mashhūr*) outside Madina could be seen, if one went into them, not to have a reliable basis, he asked [Mālik] to compose a book which he would then get everyone to follow. When he suggested this to him, he said, "I have decided to write down your book and send it to the various regions and make everyone follow it." [Mālik] said to him, "I ask you by Allah, O Amīr al-Mu'minīn, not to do so." This he did out of his great scrupulousness, his lack of interest in this world, and his concern for his *dīn*, and because he was not happy with the idea that everyone everywhere should be made to follow him, because Allah has made the different degrees of *ijtihād* a generous mercy for the community. Then al-Manṣūr tried to get him to go with him to Iraq, but he refused and said, "There is nothing I like more than living next to the Messenger of Allah, may Allah bless him and grant him peace, and I am not going to give that up for some worldly gain that I will get." Later, al-Rashīd also tried to get him to do the same thing, but again he refused.

You can see – may Allah have mercy on you – how Mālik refused to allow people to be forced to follow him and his *madhhab*, and how he had fear of Allah, bearing in mind Imam al-Shāfi'ī's words – may Allah be pleased with him: "I have never argued with anyone in order to get the better of him. I would like it if everybody were to transmit my books, write them down and understand what was in them and then never attribute any of it to me." Both of them were *mujtahids*, and spoke according to what their *ijtihād* led them to. (This last report is transmitted by the Chief Qaḍī [Ibn Ḥajar] in his *Tawālī al-ta'sīs*.)<sup>198</sup>

When al-Rashīd arrived in Madina, everyone was there to welcome him except Mālik – may Allah have mercy on him. [Al-Rashīd] sent him a message saying, "O Abū 'Abdallāh, I didn't think that I would enter a city you were in without you coming out to [greet] me." Mālik sent a message back saying, "O Amīr al-Mu'minīn! I am an old man and I have my excuse, but some excuses cannot be mentioned." So [al-Rashīd] sent a message back to him saying, "O Abū 'Abdallāh! We would like you to come and see us so that you can teach us some of your book." Mālik replied, "O Amīr al-Mu'minīn! This knowledge came from your family [i.e. the Banū Hāshim], and you are the ones who ought to protect it the most. Knowledge is something that people [have to] go to, and not something that comes to them." [Al-Rashīd] said, "He has spoken the truth." Then al-Rashīd rode to Mālik, but Mālik stopped him at his door. When he went in, he said, "O Abū 'Abdallāh! You didn't come to us, and then, when we

came to you, you stopped us at the door!" Mālik said, "I knew that the Amīr al-Mu'minīn wanted to hear the *ḥadīth* of the Messenger of Allah, may Allah bless him and grant him peace, and I wanted to get ready for that."

His high standing and noble bearing, as well as his straightforwardness and frankness, when in the presence of the caliphs is clear to anybody who has studied their history. On more than one occasion he would give the order for someone to be beaten, and he would be beaten, or for someone to be imprisoned, and he would be imprisoned.

It is related that al-Rashīd asked Mālik if he could read out to him in a private session. Mālik said to him, "O Amīr al-Mu'minīn! There is no benefit in private knowledge." Al-Rashīd said, "Then I will go to your house." Mālik said, "Let's go then!" Then al-Rashīd asked for a mule and Mālik said, "O Amīr al-Mu'minīn! So-and-so told us, from so-and-so, . . . that the Messenger of Allah, may Allah bless him and grant him peace, said: 'When anyone takes a path to seek knowledge, Allah takes him on a path to the Garden.'"<sup>199</sup> He said, "Shall I walk then?" Mālik said, "Yes. Let's go." When he entered Mālik's house, a chair was put out for him and he sat down on it. Mālik said, "O Amīr al-Mu'minīn! So-and-so told us, from so-and-so, from so-and-so, that the Messenger of Allah, may Allah bless him and grant him peace, said: 'Whoever humbles himself for Allah, will be raised up by Allah; and whoever acts proudly will be humbled by Allah.'"<sup>200</sup> So al-Rashīd got down from his chair and sat on the ground with everyone else to listen to the *ḥadīth* of the Messenger of Allah, may Allah bless him and grant him peace. All of this was because of Mālik's *baraka* and the respect in which he was held by the people in power (*al-umarā'*) – may Allah have mercy on him.

Shaykh Abū l-'Abbās Ibn Taymiyya relates that Ma'n ibn 'Īsā heard Mālik say: "I am just a man who is sometimes right and sometimes wrong. So look at my opinions and, if they accord with the Book and the Sunna, take them, and, if not, leave them."<sup>201</sup>

In the *Hilya* it is related that Nu'aym ibn Ḥammād heard Ibn al-Mubārak say: "I never saw any man reach as high a rank as Mālik ibn Anas without having done a lot of [extra] prayer or fasting, but there was a secret between him and Allah."<sup>202</sup>

I say: Mālik – may Allah be pleased with him – was busy with what was better for him than prayer and fasting, for he was busy spreading knowledge of the Sharī'a and how to act according to it – may Allah have mercy on him. If he had spent his time in prayer and fasting, that would have ended when he died, but his knowledge did not come to an end when he died. We have already mentioned how his servant-girl told Ibn al-Qāsim how, for forty years, he would do the *ṣubḥ* prayer with the same *wuḍū'* that he had for the *'ishā'* prayer, having spent the night seeking knowledge and worshipping Allah – and Allah knows best.<sup>203</sup>



Further selections from Qadi 'Iyād's *Madārik*

In his *Masālik* [i.e. *Madārik*], Qadi Abū l-Faḍl ['Iyād] – may Allah have mercy on him – says, after relating the report about the debate between Imam al-Shāfi'ī and Muḥammad ibn al-Ḥasan [al-Shaybānī]:

Mālik's mastery of these sources is well accepted both by those who agree with him and those who do not, and one should not pay attention to the words of any prejudiced person who has in recent times attempted to belittle his status as a *mujtahid* – he is only belittling himself – especially in view of [al-Shāfi'ī's] statement that he was the most knowledgeable of the 'ulamā' of Madina and the Commander of the Faithful with regard to *ḥadīth*.

Furthermore, al-Shāfi'ī's status as an imam gives the lie to such unseemly language. The noble first generation, and the imams of guidance and notable 'ulamā', both those we have already mentioned and those we will mention later, God willing, disagree with him and bear witness to the incoherence of his words and his ignorance.<sup>204</sup>

I say: It would seem that he is referring to al-Juwaynī. What is amazing is that [al-Juwaynī] should speak badly of Mālik while at the same time saying, "If it were not that al-Shāfi'ī had gone against Mālik, we would not have allowed anyone to go against him",<sup>205</sup> and that he acknowledged his mastery of *fiqh* and *ḥadīth*, and only criticised his view on *al-maṣāliḥ al-mursala* and a few points of *fiqh*. We shall also find this indicated by what al-Shirimsāhī says.

Qadi 'Iyād – may Allah have mercy on him – continues:

Then we looked at the other imams who were followed [in his time]<sup>206</sup> and found that none of them had gathered what Mālik had gathered, nor did they have the mastery of these different sources that he had. Abū Ḥanīfa and al-Shāfi'ī – may Allah have mercy on them – were both acknowledged masters of *fiqh*, clear thought, intellectual rigour, analogy and excellent understanding, but they did not have a mastery of *ḥadīth*, nor a thorough knowledge of it; nor indeed did they claim that for themselves or have it claimed for them. In fact, the people of this business considered them weak, and the people who compiled the *ṣaḥīḥ* collections of *ḥadīth* have not even transmitted one word from either of them, nor is there any mention of either of them in most of the *muṣannaf* works. And even though al-Shāfi'ī was [keen to] follow *ḥadīth* and find out what the various *sunnas* were, he did so by following others and relying on their judgement while acknowledging his own weakness

in this respect. He said to both Ibn Mahdī and Aḥmad ibn Ḥanbal – may Allah be pleased with both of them – "You know more about *ḥadīth* than me, so let me know what of it is sound in your opinion so that I can go by that."

And where will we find a *mujtahid*, in any age, who is an expert in *ḥadīth* if he hasn't delved into it deeply, or in knowledge of the Qur'an if he hasn't made a specialist study of it, so that we can ask him whether there is a basis in either of the two for the matter that he is considering?<sup>207</sup>

The supporters of al-Shāfi'ī reply to what Qadi 'Iyād says by saying that the only reason that al-Bukhārī, Muslim and others did not transmit *ḥadīth* from al-Shāfi'ī is that the scholars of *ḥadīth* prefer transmissions from those who are older and nearer to the source, whether they are people of *fiqh* or not, according to the principle that the shorter [lit. higher] the *isnād*, the better, whereas al-Shāfi'ī – may Allah have mercy on him – never reached an advanced age, since he died when he was only fifty-four years old, and many of his teachers and those of his own generation were still alive until, or very close to, the time of his death.

A little later, Qadi ['Iyād] goes on to say:

The general mastery of *fiqh* [that both Abū Ḥanīfa and al-Shāfi'ī had] cannot be denied. [...] Similarly, both Aḥmad and Dāwūd had an extensive knowledge of *ḥadīth*, and their expertise in it cannot be denied. Nevertheless, we do not accept that they were experts in *fiqh* or in the sources needed to arrive at [legal] judgements. Indeed, there were many matters about which they did not speak although others had spoken about them.<sup>208</sup>

Qadi Abū l-Faḍl ['Iyād] goes on to say:

[However], the fact that some of them may have fallen short in a particular area of knowledge does not detract from their rank vis-à-vis the others. All of them have qualities of excellence with which pages have been filled and which have been transmitted by both earlier and later generations.<sup>209</sup>

I say: When 'Iyād says "[However], the fact that some of them may have fallen short . . . etc.", he is referring to the obligation [that people have] to follow them [with regard to legal judgements], and Allah is the one who guides.

Here ends our quotation, in an abridged form, from Qadi 'Iyād's *Masālik*.



## SECTION 2

On giving preference to the *madhhab* of Imam Mālik, may Allah have mercy on him, and the sources on which it is based

[In his *Madārik*,] Qadi 'Iyād notes that giving preference to the *madhhab* of Mālik is something that would only be objected to by someone who is ignorant of it, prejudiced against it, or obstinately opposed to it. This is because the Prophet, may Allah bless him and grant him peace, said: "The time is nigh when people will beat the livers of their camels in search of knowledge, but they will not find anyone more knowledgeable than the 'ālim of Madina."<sup>1</sup> We have discussed this already.<sup>2</sup>

Shaykh Aḥmad ibn Idrīs al-Qarāfī says in his *Dhakhīra*:

Among them [i.e. the reasons for considering Mālik's *madhhab* the noblest and the closest to the truth] is the fact that his *madhhab* achieved prominence among the people of the Maghrib and that they [still] hold firmly and exclusively to it, along with his testimony, may Allah bless him and grant him peace, that the truth would be among them and that no one who abandoned them would be able to harm them, until the Hour comes.<sup>3</sup> This testimony about them is also a testimony about [Mālik], and that his *madhhab* is true, since it is their distinguishing feature and cloak, and they follow no other path, and no one else received this testimony.<sup>4</sup>

I say: This [testimony also] gives strength to the first generations' interpretation of the aforementioned *ḥadīth*, as indeed this [second] *ḥadīth* is also strengthened by the aforementioned one. And Allah knows best.

Another reason for giving preference to the *madhhab* of Mālik – may Allah have mercy on him – is that it was the *madhhab* of the majority of the Companions of the Messenger of Allah, may Allah bless him and grant him peace, and the generation who followed them in Madina, because that was where the Qur'an was revealed and that was the centre of knowledge.

Qadi 'Iyād relates in his *Masālik*, from Abū Sa'īd al-Maqburī, from Abū Hurayra, that the Messenger of Allah, may Allah bless him and grant

him peace, said: "Madina is the dome of Islam, the home of *īmān*, the land of the Hijra, and the place where the *ḥalāl* and the *ḥarām* were first established."<sup>5</sup>

[He also relates] that Ibn 'Umar said: "If only, when strife (*fitna*) occurs, people were to refer the matter back to the people of Madina, and then, if they are agreed on a matter, they were to put that into practice, things would be alright. But whenever anyone shouts out, everyone else follows him."<sup>6</sup>

### The authoritativeness of Madinan 'amal

[Qadi 'Iyād] says, in his *Masālik*:

The Chapter of What Has Come Down from the First Generations and the 'Ulamā' Regarding the Necessity of Going Back to the 'Amal of the People of Madina and Its Being an Authoritative Proof in Their Opinion, Even if it Contradicts *Ḥadīth*<sup>7</sup>

It is related that 'Umar ibn al-Khaṭṭāb, may Allah be pleased with him, once said on the *minbar*: "By Allah, I will make things difficult for anyone who relates a *ḥadīth* which is contrary to the 'amal in Madina."

Ibn al-Qāsim and Ibn Wahb said: "We saw that, for Mālik, 'amal was stronger than *ḥadīth*."

Mālik said: "There were men of knowledge among the Tābi'īn who would narrate *ḥadīths* and would hear [different] *ḥadīths* from other people. They would say, 'We are not ignorant of this, but the 'amal that has been established is different.'"

Mālik said: "I once saw Muḥammad ibn Abī Bakr ibn 'Amr ibn Ḥazm – who was the *qāḍī* of Madina<sup>8</sup> – being reproached by his brother 'Abdallāh – who was an honest man with an extensive knowledge of *ḥadīth* – for giving judgement on a matter about which there was a *ḥadīth* suggesting a contrary judgement. 'Abdallāh said, 'But isn't there such-and-such a *ḥadīth* about this?' Muḥammad said, 'Yes, there is.' 'Abdallāh said, 'Then why don't you give judgement in accordance with it?' Muḥammad replied, 'But what is the position of the people with regard to it?' – by which he meant the agreed 'amal in Madina, meaning that the 'amal of Madina was stronger than *ḥadīth*."<sup>9</sup>

[Qadi 'Iyād also transmits the following reports in his *Madārik*:]

Mālik said: "Neither Sa'īd ibn al-Musayyab nor anyone else among the people of Madina was ever worried by any one individual's opinion. If it were not that 'Umar ibn 'Abd al-'Azīz had got this



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knowledge in Madina, many people would have made him have doubts about it.”<sup>10</sup>

Abū Bakr ibn ‘Amr ibn Ḥazm said: “If you find the people of this city” – meaning Madina – “agreed on something, then have no doubt that it is the truth.”<sup>11</sup>

[Ibn Nāfi‘]<sup>12</sup> said: “Mālik was of the opinion that if the people of the Two Harams pledged allegiance [to someone], that allegiance was binding on all the people of Islam.”<sup>13</sup>

Ibn Mahdī said: “Often I will have many *ḥadīths* on a particular subject but then find the people of the mosque (*ahl al-‘arṣa*)<sup>14</sup> going by something different, at which point those *ḥadīths* become weak in my opinion” – or words to that effect.<sup>15</sup>

Ibn Abī Ḥāzim said: “Abū l-Dardā’ would be asked questions and reply to them. If someone said, ‘We have heard such-and-such’, mentioning something different to what he had said, he would say, ‘I, too, have heard [that], but I have found the *‘amal* to be different.’”<sup>16</sup>

Ibn Abī l-Zinād said: “‘Umar ibn ‘Abd al-‘Azīz used to gather the *fuqahā’* together and ask them about the *sunnas* and the judgements which were acted upon there [in Madina]. These he would then affirm. What was not acted upon by people there, i.e. in Madina, he would discard, even if its source was completely trustworthy.”<sup>17</sup>

Imam Ibrāhīm al-Nakha‘ī – may Allah be pleased with him – said: “If I were to have seen the Companions doing *wuḍū’* [only] up to the wrists, I would have done the same, even though I recite [the verse which says] ‘to the elbows’ (Q.5:6). This is because they are people who cannot be accused of having left out any *sunnas*. They are the lords of knowledge and the most anxious of people to follow the Messenger of Allah, may Allah bless him and grant him peace. Indeed, no one would think anything else of them except one about whose *dīn* there is doubt.” This is quoted by al-Shirimsāhī – may Allah have mercy on him.<sup>18</sup>

Our master and shaykh, the Chief Qadi Shihāb al-Dīn Ibn Hajar – may Allah give benefit to all through his life – says in his *Tawālī al-ta’āsīs*:

Abū Nu‘aym said: Al-Shāfi‘ī said: “I was sitting one day with Muḥammad ibn al-Ḥasan [al-Shaybānī] when he began casting aspersions on the people of Madina. [I] said, ‘If you are casting aspersions on the place, then it was the place to which the Messenger of Allah, may Allah bless him and grant him peace, emigrated, and the place where the Qur’an was revealed. If you are casting aspersions on its people, then they were Abū Bakr, ‘Umar, and the Muhājirūn and the Anṣār.’ He said, ‘I seek refuge in Allah from saying anything against them. Rather, I am casting aspersions

on one of their judgements’, and he mentioned [the question of] accepting a single witness along with the oath of the plaintiff.”<sup>19</sup>

I say: [Al-Shaybānī] – may Allah have mercy on him – is not cleared by this answer, because it is affirmed in the *Ṣaḥīḥ* collections of *ḥadīth* that [the Prophet], may Allah bless him and grant him peace, gave judgement based on the evidence of a single witness along with the oath of the plaintiff.<sup>20</sup> And Allah knows best.

Al-Bayhaqī reports that Yūnus ibn ‘Abd al-A‘lā said: “I consulted al-Shāfi‘ī about a matter and he said, ‘By Allah, I will give you only good advice: if you find the people of Madina agreed on something, then let there be no doubt in your heart that it is the truth. But if anything comes to you which does not have a clear source (*aṣl*) in Madina – however strong it may seem – do not bother yourself with it or pay any attention to it.’”<sup>21</sup>

When Ibn al-Khaṭīb mentioned this, he realised that, in order to be fair, he had to acknowledge that this was a clear affirmation of Mālik’s *madhḥab* – may Allah have mercy on him – since, even if al-Shāfi‘ī hadn’t actually mentioned the *madhḥab* of Mālik in his words, he had nevertheless borne witness to the correctness of the path of the people of Madina and declared everything else to have falsehood in it.

Some Mālikīs say that when al-Shāfi‘ī – may Allah have mercy on him – used the knowledge of the people of Madina and the *madhḥab* of Mālik in his debates with the people of Iraq, he was able to get the better of them and defeat them and they listened to what he had to say, but when he chose to go against the *madhḥab* of Mālik, it was non-stop war between him and them.

[In his *Madārik*], Qadi Abū l-Faḍl [‘Iyāḍ] – may Allah have mercy on him – says that, as a result of Abū Yūsuf and Muḥammad ibn al-Ḥasan meeting Mālik and taking [knowledge] from him, they disagreed with Abū Ḥanīfa on a third or more of his *madhḥab*.<sup>22</sup>

Some Mālikīs say that, as a result of this, the difference between the *madhḥab* of Abū Ḥanīfa and that of Mālik decreased, while it increased between these two and all other *madhḥabs*. And Allah knows best.

Another reason for giving preference to Mālik and his *madhḥab* – may Allah have mercy on him – is that the majority of the people of Egypt, and [especially] the people of good among them, will say, when they see a Mālikī doing something good, “You shouldn’t praise him too much, because he is a Mālikī”, but, if they see him doing something bad, they will say, “Are you a Mālikī and yet you are doing this?” This is because of their honour and respect for the *madhḥab* of Mālik, which is why the people of right action and *dīn* say that the Maghribīs are on the path of truth and are a people of *dīn*.

All of this is agreed upon by the people of excellence, right action and *dīn*, and they say this out of respect for Mālik and his *madhḥab* – may Allah have mercy on him.



In the *Madārik* it says:

Mālik said: "The Messenger of Allah, may Allah bless him and grant him peace, came back from one of his expeditions with so many thousand Companions. Some ten thousand or so died in Madina while the rest spread out in various lands. So which of them are more worthy of being followed and having their opinions accepted: those among whom the Prophet, may Allah bless him and grant him peace, and those Companions whom I have just mentioned died, or those among whom one or two of the Companions of the Prophet, may Allah bless him and grant him peace, died?"<sup>23</sup>

The Mālikīs are surprised at those who hear this and yet do not accept the *ʿamal* of the people of Madina. Likewise they are surprised at those who say that the consensus (*ijmāʿ*) of the people of Madina is not an authoritative argument, contrary to Mālik's view, and do so without qualifying their words in the slightest. We shall say more about this later, God willing.

Rabīʿa said: "One thousand from one thousand is preferred by me to one from one. [One from one] would tear the *sunna* right out of your hands."<sup>24</sup>

Al-Shāfiʿī said: "As for the sources (*uṣūl*) of the people of Madina, there is no way one that can doubt their soundness."<sup>25</sup>

Some of the more extreme Mālikīs have remarked that these words have an implication which is borne witness to by much of what our master, the Chief Qadi, [Ibn Ḥajar] mentions in his *Tawālī al-taʾsīs*.

Al-Shāfiʿī – may Allah have mercy on him – [also] said: "If you find a reliable source (*muʿtamad*) among the people of Madina, let there be no doubt about it in your heart."<sup>26</sup>

Al-Shāfiʿī [also] said: "If you find the people of Madina agreed on something, know that it is the *sunna*."

Ibn Mahdī said: "The established *sunna* of the people of Madina is better than *ḥadīth*."<sup>27</sup>

Ibn al-Muʿadhdhal said: "Ibn al-Mājishūn was once asked, 'Why do you transmit a *ḥadīth* and then not act according to it?' He replied, 'So that it be known that it is with full knowledge of it that we do not act upon it.'"<sup>28</sup>

Zayd ibn Thābit said: "If you find the people of Madina agreed on something, know that it is the *sunna*."<sup>29</sup>

Abū Nuʿaym<sup>30</sup> said: "I asked Mālik about something, and he said to me: 'If it's *ʿamal*<sup>31</sup> you are interested in, then stay [here]' – meaning in Madina – 'for the Qurʾān was not revealed on the Euphrates.'"<sup>32</sup>

I say: "Nor on the Nile."

There was once a debate between a Shāfiʿī and a Mālikī. The Mālikī said to the Shāfiʿī, "We know that all the four *madhhabs* are true, but let us see which one is best, while accepting that all are good. Is it a *madhhab* which was built and acted upon by the Companions of the Messenger of Allah,

may Allah bless him and grant him peace, in his city, and which was accepted by al-Awzāʿī, al-Layth, the two Sufyāns, and a large number of the Tābiʿīn and acted upon by them, or a *madhhab* which was chosen and then built upon by a single *ʿālim* in Egypt or Kufa?" The Shāfiʿī acknowledged the truth of this and said, "The difference is clear", and proceeded to follow the *madhhab* of Mālik – may Allah have mercy upon him.

### Al-Manṣūr and the compilation of the *Muwaṭṭaʿ*

Abū Jaʿfar al-Manṣūr said to Mālik, "You are the most knowledgeable person on the earth, and, if I continue to live, I will write down your book in letters of gold" – (in one transmission it says, "as copies of the Qurʾān are written") – "and I will hang it on the Kaʿba and make people follow it."<sup>33</sup>

One Mālikī said, "If only Abū Jaʿfar had done that and so removed all the confusion and prejudice between people!"

Mālik said, "O Commander of the Faithful! Do not do this. In this book of mine there are *ḥadīths* of the Messenger of Allah, may Allah bless him and grant him peace, statements of the Companions and of the Tābiʿīn, and opinions which represent the agreement of the people of Madina, which I have not gone beyond. Nevertheless, I do not think it should be hung up on the Kaʿba."<sup>34</sup>

May Allah have mercy on Mālik, for he took the path of caution and accepted no other. If it had been any other of the imams of the rank of *ijtihād*, they would have done so. And Allah knows best.

Abū Jaʿfar al-Manṣūr said to him, "O Abū ʿAbdallāh! Make this knowledge into one."

Mālik said, "O Commander of the Faithful! The Companions of the Messenger of Allah, may Allah bless him and grant him peace, spread out in different lands, and each of them gave *fatwās* in the city he was in according to the understanding (*raʾy*) he had." In another version, it says: "Each city has its opinion, and the people of Madina have their opinion, and they have received their ways of doing things (*taʿaddaw aṭwārahum*)."

Abū Jaʿfar said, "As for the people of Iraq, I do not accept anything from them. Rather, [real] knowledge is the knowledge of the people of Madina." In another transmission, it says: "I have seen that the basis of knowledge is the transmission (*riwāya*) of the people of Madina and their practice (*ʿamal*)."<sup>35</sup>

In another transmission, it says that Mālik said, "O Commander of the Faithful! The people of Iraq are not content with our *fiqh*." Abū Jaʿfar said, "We will bring swords down on their skulls and score their backs with whips!"<sup>36</sup> In another transmission it says, "If anyone is not pleased with your *fiqh*, I will put him to the sword!"<sup>37</sup>

It is related that al-Manṣūr said to Mālik, "O Abū ʿAbdallāh! Put this knowledge down in writing and make it into a book. Avoid the harsh



judgements of Ibn 'Umar, the easy judgements of Ibn 'Abbās, and the irregular judgements of Ibn Mas'ūd, and aim for the middle way and what the imams and the Companions have agreed upon, and make it accessible to the people (*wa-waṭṭi'hu li-l-nāsi tawṭi'a*).<sup>38</sup>

It is related that Mālik said, "Al-Manṣūr taught me how to write."

It is because al-Manṣūr said "make it accessible (*waṭṭi'hu*) to people" that Mālik's book is called the *Muwatta'*, and Allah knows best.

It is also related that al-Mahdī said to him, "Compile a book which I can make all the *umma* follow." Mālik said, "As for this region" – by which he meant the Maghrib – "I have already looked after that for you. As for Syria, al-Awzā'ī is there. And as for the people of Iraq, they are the people of Iraq!"<sup>39</sup>

I say: The knowledge of the people of Iraq was epitomised in the *madhhab* of Abū Ḥanīfa, as the knowledge of the people of the Hijaz was epitomised in Mālik. It was also a correct premonition of Mālik's that he said about the Maghrib, "I have already looked after that for you."

'Atīq al-Zubayrī said: "Mālik compiled (*waḍa'a*) the *Muwatta'* over some ten thousand *ḥadīths*, but he kept on looking at it and editing it until only this amount remained. If he had lived a little longer, he would have edited it all out!"<sup>40</sup>

#### Asad ibn al-Furāt's study of the *madhhab* of Mālik

It is related that Asad ibn al-Furāt al-Andalusī, who had gone to live in Kairouan, [first] studied *fiqh* according to the way of the people of Iraq. Mālik said to him, "If that is what you want, you should go to Iraq." So he travelled to Iraq and stayed there, studying under Abū Yūsuf and Muḥammad ibn al-Ḥasan – may Allah be pleased with them both – until the news of Mālik's death reached the people of Iraq. Iraq trembled in dismay and all of its 'ulamā', including Abū Yūsuf and Muḥammad, were shocked and saddened at the loss. When Asad ibn al-Furāt saw how the people of Iraq were affected by Mālik's death, he said [to himself], "I was not doing knowledge justice when I left Mālik in the city of the Messenger of Allah, may Allah bless him and grant him peace, disseminating the knowledge of the people of Madina, and came instead to Iraq." So he went back to Madina, where he found Muṭarrif and Ibn al-Majāshūn, and said, "I want to learn the *fiqh* of Mālik from you both." They said, "You should go to the two Egyptians, for they both have sharper intellects than us" – referring to Ibn al-Qāsim and Ashhab, and Allah knows best.

When Asad arrived in Egypt, he sat with Ashhab and heard him say, "Mālik was mistaken in this matter." Asad said, "Excuse me! Compared with Mālik, you are like someone who goes to the edge of the sea and then urinates once. This is a different sea altogether!" So he left him and went instead to Ibn al-Qāsim, with whom he studied and wrote down the

"Asadiyya". Then he travelled back to the Maghrib, where his standing increased to the point where he was given command of the troops that conquered Sicily and his fame spread throughout the Maghrib.<sup>41</sup>

It is related that Ibn 'Abdūn, the *qāḍī* of Ifrīqiyya, said that he heard Asad ibn al-Furāt say: "I and a friend of mine used to keep the company of Mālik. When we decided to go to Iraq, we went to him to bid him farewell and ask him for advice. He turned to my friend and said, 'I advise you to look after the Qur'an well.' Then he turned to me and said, 'I advise you to look after this *umma* well.'" Asad said, "My friend didn't die until he had devoted all his time to the Qur'an." [Ibn 'Abdūn said], "And Asad became a *qāḍī*."<sup>42</sup>

Mālik's words, "I advise you to look after this *umma* well", were a clear premonition that Mālik was given about Asad – may Allah have mercy on him.

When Saḥnūn compiled the *Mudawwana*, Ibn al-Qāsim said to him, "Tell Asad to correct his book against this one." Asad was not happy about this and said to Saḥnūn, "What he and I are agreed on is not the same as what he and you are agreed on." He used to consider that he had a better knowledge of *fiqh* than Saḥnūn. When Ibn al-Qāsim heard what had happened, his face changed [colour] and he made a *du'ā'* against him and prohibited people from studying the "Asadiyya", which was why the Mālikīs stopped using it.<sup>43</sup>

It is related that one of the *ṣāliḥīn* saw the Prophet, may Allah bless him and grant him peace, in a dream, and said to him, "Messenger of Allah! There are many *madhhabs*, so which one should I follow?" He said, "The *madhhab* of Mālik." He said, "There are many opinions within that *madhhab*, so which one should I follow?" He said, "The opinion of Ibn al-Qāsim."

This is a major indication of the importance of Mālik and Ibn al-Qāsim, and the high standing of both in the eyes of the great 'ulamā' of the *umma* – may Allah have mercy on all of them.

Among the decisive proofs for giving preference to Mālik and his *madhhab* – may Allah have mercy on him – is that if the Ḥanafīs are asked about who they give preference to, they say, "We give preference to our *madhhab* and our imam." If they are asked, "Then who?", they say, "Mālik and his *madhhab*." If the Shāfi'īs are asked about who they give preference to, they say, "We give preference to our *madhhab* and our imam." If they are asked, "Then who?", they say, "Mālik and his *madhhab* over any others." So both groups are saying that Mālik should be given preference over any *madhhab* other than their own. [At the same time], the claim of each that his own *madhhab* should be given preference over Mālik and his *madhhab* should not be listened to without evidence, and neither of them has evidence like the evidence we have mentioned.

If, however, the Mālikīs were to be asked [the same question], they would keep quiet [about the others] while giving preference to their own



judgements of Ibn 'Umar, the easy judgements of Ibn 'Abbās, and the irregular judgements of Ibn Mas'ūd, and aim for the middle way and what the imams and the Companions have agreed upon, and make it accessible to people (*wa-waṭṭi'hu li-l-nāsi tawṭi'a*).<sup>38</sup>

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If, however, the Mālikīs were to be asked [the same question], they would keep quiet [about the others] while giving preference to their own



*madhhab*. They would give as evidence for their preference the kind of things that we have mentioned and would then consider all the [other] imams of the rank of *ijtihād* as equal with regard to the obligation to follow them and not go beyond their *madhhabs* – may Allah be pleased with all of them and raise us up in their company. Āmin.

It is related that Ibrāhīm ibn Yahyā al-ʿAbbāsī, the governor of Madīna, asked Mālik about [the situation of] a man in *iḥrām* who killed a louse. Mālik said, “He shouldn’t do so.” He said, “But he has killed it. What is the reparation (*fidya*) for it?” Mālik said, “He shouldn’t do so.” He said, “I tell you that he has done so and you tell me that he shouldn’t do so!” Mālik said, “Yes.” Ibrāhīm got up and went off in anger. Mālik was quiet for a while, and then he said, “They just want to play around with the *dīn*. Reparation is for someone who inadvertently kills something, whereas this man doesn’t want there to be a single louse left on anyone in his army.”<sup>44</sup>

ʿAmr ibn Abī Salama said, “There has never been a time when I have read the ‘*Jāmiʿ*’ section of the *Muwattaʿ* without seeing a man in my sleep who says, ‘These are the words (*ḥadīth*) of the Messenger of Allah, may Allah bless him and grant him peace.’”<sup>45</sup>

Ṣafwān ibn ʿUmar ibn ʿAbd al-Wāḥid<sup>46</sup> said: “We read out the *Muwattaʿ* to Mālik in forty days and he said, ‘A book which took me forty years to compile has taken you forty days to learn! How little of it you understand!’”<sup>47</sup>

Abū Zurʿa said: “If a man were to swear on pain of divorce that all the *ḥadīths* in the *Muwattaʿ* were sound, he would not have to expiate his oath, whereas if he were to say the same about anyone else’s *ḥadīths*, he would have to do so.”<sup>48</sup>

I say: Abū Zurʿa has taken this from al-Shāfiʿī’s comment that the most accurate book after the Book of Allah, the Noble and Glorious, is the *Muwattaʿ* of Mālik.<sup>49</sup>

Another reason for giving preference to Mālik’s *madhhab* is what Qadi ʿIyāḍ – may Allah have mercy on him – mentions in his *Masālik* when he says:

Allah has kept the people of Mālik’s *madhhab* free from the false views (*hawā*) that have penetrated the people of [other] *madhhabs*, as He has also preserved them from the weakness of division and conflict. For there is not a single imam among them, thanks be to Allah, from whom any innovation (*bidʿa*) has been verifiably transmitted, nor one whose critics have agreed must be abandoned because of his being a liar or for some [other] weakness. Some people whose views are not worthy of being considered have indeed said certain things about some of them, but this did not harm their reputations in any way, and al-Bukhārī and others saw fit to transmit from them.<sup>50</sup>

### Qadi ʿIyāḍ on the consensus (*ijmāʿ*) of the people of Madina

In the *Masālik*, in the chapter on clarifying the authoritative nature of the consensus of the people of Madina and the true position of Mālik’s *madhhab* in this regard, Qadi ʿIyāḍ says:

You should know, may Allah ennoble you, that all the leaders of the *madhhabs*, whether legal scholars (*fuqahāʾ*) or theologians (*mutakallimīn*), or people of *ḥadīth* or [people] of intellect (*ahl al-athar wa-l-naẓar*), are as one group against us regarding this matter, attributing error to us – as they claim – and using as an argument against us whatever occurs to them, to the extent that some of them have gone beyond the limits of prejudice and defamation to the extent that they have cast aspersions on Madina and its ‘*ulamāʾ*’, when this is not a matter about which there is any dispute. Among them are those who have failed to understand the matter or to find out the true position of our *madhhab* with regard to it, and so have spoken about it on a basis of guesswork and conjecture. Among them also are those who have taken their words from others who have not found out what our true position is, and among them are those who have altered things and have attributed to us what we have never said about the matter, as have al-Sayrafī, al-Mahāmili and al-Ghazālī, who have transmitted on our authority what we have never said, and have used as an argument against us the same argument that is used against those who cast aspersions on *ijmāʿ*. I will now explain the matter in detail so that no fair-minded person will be able to deny it after having understood it, and I will clarify those points about which there is agreement and those about which there is disagreement, God willing.

You should know that there are two types of consensus among the people of Madina. The first is that which was arrived at through transmission, verbal or otherwise, which the people [of Madina] as a whole took from the people [of Madina] as a whole and which they acted upon openly, and which the majority then transmitted from the majority, from the time of the Prophet, may Allah bless him and grant him peace. This type subdivides into four categories [namely, words, actions, approvals and avoidance].

#### The first type of consensus

The first [type of consensus] is that which was transmitted as law from the Prophet himself, may Allah bless him and grant him peace, whether by words or actions, such as [the amounts of] the *ṣāʿ* and the *mudd*, and how he used to collect their [ordinary] *zakāt*



and their *zakāt al-fiṭr* from them using these measures; the *adhān* and the *iqāma*; not saying *bi-smi llāhi l-raḥmāni l-raḥīm* at the beginning of the prayer; and [the binding nature of] *awqāf*. Their transmission of what he said and did regarding these matters is like their transmission of where his grave, his mosque, his *minbar* and his city are, and other such matters in his life and career which are known without any doubt, such as how many *rak'as* and *sajdas* he included in his prayer, and other such things. The same applies to their transmission of his approval, may Allah bless him and grant him peace, with regard to what he saw them doing and about which no disapproval on his part has been transmitted, such as the accepted trial period (*'uhda*) when buying slaves, and other similar matters; or their transmission of him not doing certain things and not asking others to do so either, although these were well-known matters among them, such as his not collecting *zakāt* from any vegetables, although he knew, may Allah bless him and grant him peace, that they had plenty of them.

This type of consensus among them, on matters such as the above, is an authoritative argument that should be accepted, while any other argument based on single-authority *ḥadīth* (*khābar al-wāḥid*) or analogy (*qiyās*) should be rejected. [This is] because this sort of transmission is clear and known to be true and necessitates certain knowledge, and thus should not be rejected in favour of something that only indicates a reasonable probability of truth (*ghalabat al-ẓunūn*). It was this that Abū Yūsuf and other opponents (*mukhālifīn*) ended up accepting when they disputed with Mālik and others of the people of Madina with regard to *awqāf* and the measures of the *mudd* and the *ṣā'*, when they witnessed this type of transmission for themselves and understood it.

It is not permissible for a fair-minded person to reject the authoritativeness of this [type of transmission], and it is this that Mālik was speaking about, according to the majority of our shaykhs. There is no difference of opinion among the people of intellect about the validity of this type of transmission and it being an authoritative argument which results in knowledge which is recognised as necessarily true. Indeed, it was only those among the non-Madinans who had not been exposed to this type of Madinan transmission who took a different view on these points.

Qadi Abū Muḥammad 'Abd al-Wahhāb said: "There is no difference of opinion about this among our people, and al-Ṣayrafī and others among the people of al-Shāfi'ī also agree on it." This is related from him by al-Abharī.

Some Shāfi'īs, however, have stubbornly refused to accept [this view]. But it is not a sufficient argument for those who oppose it to

say that in this respect they and others from other areas, such as the people of Basra, Kufa and Makka, are the same because a number of Companions went to live in these places and settled there and *sunnas* were transmitted from them, and a *mutawātir* report from whatever source has to be followed and is a source of [certain] knowledge, and that the authoritative argument is in the transmission, which Madina has no special claim to, and so there is no argument to answer – this being one of the strongest arguments they have.

To this we would say: We, too, would say the same, if the argument were about anyone other than the people of Madina, because no others possess this kind of transmission. One of the conditions for a report to be considered *mutawātir* is that both ends of the *isnād*, as well as its middle, are of the same [number and quality], and this only exists among the people of Madina, with their transmission from a group of people, from another group of people, from the Prophet, may Allah bless him and grant him peace, and the practice at his time, whereas the people of other places transmit from their group of people until they go back to [only] one or two Companions, at which point we are back with the issue of *akhbār al-āḥād*. It would, in fact, be appropriate to posit this argument about the *'amal* of the people of Makka<sup>51</sup> with regard to the *adhān* and their *mutawātir* transmission of it from the time when the Messenger of Allah, may Allah bless him and grant him peace, was there, but this would be countered by the later of the two practices of the Messenger of Allah, may Allah bless him and grant him peace, namely, what he was doing when he died in Madina. It was for this reason that Mālik said to the one who disputed with him on this matter: "I do not know anything about the *adhān* of a day or a night. Here is the mosque of the Messenger of Allah, may Allah bless him and grant him peace, where the *adhān* has been called since his time without anyone ever recording any objection to how the *adhān* is called here."

### *The second type of consensus*

The second type is where there is consensus on a matter by way of *ijtihād* and intellectual reasoning (*istidlāl*). Our people differ in their opinions on this type [of *ijmā'*]. Most of them take the view that it is not a conclusive proof (*ḥujja*) and cannot be used to give preference to one view over another. This is the opinion of some of the major Baghdādī scholars, such as Ibn Bukayr, Abū Ya'qūb al-Rāzī, Abū l-Ḥasan ibn al-Muntāb, Abū l-'Abbās al-Ṭayālīsī, Abū l-Faraj al-Qādī, Abū Bakr al-Abharī, Abū l-Tammām,<sup>52</sup> and Abū l-Ḥasan ibn al-Qaṣṣār, who say that [the Madinans] only



constitute part of the *umma*, and conclusive proof [for *ijmā'*] can only lie with the whole community. This is also the opinion of all those who oppose us, as it is also the opinion of Qadi Abū Bakr ibn al-Ṭayyib. These people deny that Mālik would have said this, or that this would have been his *madhhab*, or that of the imams among his companions. Some<sup>53</sup> of them, however, hold that although it is not a conclusive proof (*ḥujja*), it can be used to give preference to one person's *ijtihād* over another's. This is the opinion of a group among them with some specialist knowledge of *fiqh* (*mutafaqqihīhim*), as it is also the opinion of al-Shāfi'ī. However, neither Qadi Abū Bakr, nor the later specialists among our imams (*muḥaqqiqū a'immatinā*), as well as certain others, are satisfied with this opinion.

Some Mālikīs say that this second type is a conclusive argument like the first, and they report this view from Mālik. Qadi Ibn Naṣr says: "This is indicated by the words of Ibn al-Mu'adhḥal and Abū Muṣ'ab, and it is also the opinion of Abū l-Ḥusayn ibn Abī 'Umar<sup>54</sup> among the imams of the Baghdādīs and a group of Maghribīs among our people, who see [this type of *ijmā'*] as preferable to *akhbār al-āḥād* and analogy. Our opponents generalise and declare this to be the *madhhab* of Mālik, although it is not correct to say that this is his view in this generalised way."

#### 'Amal v. ḥadīth

Qadi Abū l-Faḍl [ʿIyād] – may Allah be pleased with him – says:

The 'amal of the people of Madina must relate to *akhbār al-āḥād* in one of three ways:

- (i) If 'amal and ḥadīth agree with each other, the 'amal, if it is 'amal by transmission, is a strong argument for declaring the ḥadīth to be authentic, or, if it is 'amal by *ijtihād*, for giving preference to the ḥadīth. There is no difference of opinion about this, since it would only be contradicted by other people's *ijtihād*<sup>55</sup> or their *qiyās*, if they prefer *qiyās* to *akhbār al-āḥād*.
- (ii) If their 'amal agrees with one ḥadīth and contradicts another, [this 'amal] is a reason for giving preference to the ḥadīth with which it agrees. This is, in fact, one of the strongest methods for giving preference to one ḥadīth over another in cases of contradiction. This is the opinion of Ustadh Abū Ishāq al-Isfarāyīnī and of other later specialists (*muḥaqqiqīn*) in *uṣūl* and *fiqh*, both among the Mālikīs and others.
- (iii) If [their 'amal] disagrees with all the ḥadīths [on a point of law] then, if the 'amal is 'amal by transmission, the ḥadīths are

discarded, without any difference of opinion among our people in this respect. This is also the opinion of certain later specialists (*muḥaqqiqīn*) among the non-Mālikīs, as mentioned above.<sup>56</sup> Nor does it make sense, when one looks at the matter in detail, to envisage or consider any other position, since definitive certainty should not be discarded in favour of probable likelihood, nor what there is agreement about in favour of what there is disagreement about, as was the case when the fair-minded opponent saw this and changed his opinion – and this is the heart of the matter – as happened with regard to the *ṣā'* and the *mudd*, endowments, *zakāt* on vegetables, and so on.

If, however, their consensus is based on *ijtihād*, then ḥadīths are given preference over it, according to the majority, although there is a difference of opinion between our people on this point, as mentioned above.<sup>57</sup>

If, however, there is no 'amal among them either in accordance with a ḥadīth or against it, then there is no problem, and it is obligatory to accept single-authority ḥadīths (*khābar al-wāḥid*), whether they are transmitted by them or by anyone else, assuming they are authentic and are not contradicted [by any other ḥadīth]. If [it should happen that] a ḥadīth transmitted by them is contradicted by a ḥadīth transmitted by other people in other places, then the ḥadīth transmitted by them is given preference, according to Abū Ishāq and other later specialists (*muḥaqqiqīn*), because of their added advantage in having witnessed the attendant circumstances and their concern (*tafaqqud*) for transmitting the reports of the Messenger of Allah, may Allah bless him and grant him peace, and because they constitute a large group, transmitting from a large group, from him, may Allah bless him and grant him peace.

Our opponents have made many errors in their transmissions from Mālik about this, apart from what we have already mentioned. Both Abū Bakr al-Ṣayrafī and Abū Ḥamid al-Ghazālī, for instance, say that Mālik says that it is only the consensus of the people of Madina and not that of any others that should be considered, whereas this is something that neither Mālik nor any of his companions would ever have said.

Some scholars of *uṣūl* among our opponents say that Mālik was of the opinion that it is the consensus of the Seven Fuqahā' in Madina that constitutes consensus, suggesting that the reason for this is that perhaps, in his opinion, they constituted the people of *ijtihād* at that time rather than anyone else, whereas in fact



this is something that Mālik never said and has never been related from him.

Some of them also relate from us that we only accept<sup>58</sup> *ḥadīths* that are accompanied by the *ʿamal* of the people of Madina. This is either ignorance or a lie,<sup>59</sup> for they have failed to distinguish between our view that a *ḥadīth* [or *ḥadīths*] should be rejected if it conflicts with their *ʿamal*, and our view that we only accept<sup>60</sup> [out of a number of *ḥadīths* on a particular point] those that are in accord with their *ʿamal*.

#### **The ḥadīth about withdrawing from a sale**

Some people argue against us on this point by saying that Mālik rejects the *ḥadīth* that “The two parties to a sale each have the option to withdraw from it as long as they have not parted company...”, which he and the people of Madina relate with their most authentic *isnād*, and to which he adds the comment, after mentioning it in the *Muwattaʿ*, that “There is no fixed limit for this here, nor any established practice regarding it.”<sup>61</sup> This objection [of theirs] is one of their greatest exaggerations and worst slanders, for they say that this is rejecting an authentic *ḥadīth* because the *ʿamal* of the people of Madina is not in accord with it, and that even the people of Madina criticised him for this, and Ibn Abi Dhīʿb said his well-known harsh words about it.

Our response is that this is an incorrect interpretation. Mālik's words are not intended as a rejection of the right of two parties to withdraw from a sale “as long as they have not parted company”; rather what he is referring to is the rest of the *ḥadīth*, which is, “except for ‘option sales’ (*bayʿ al-khiyār*)” [i.e. sales where there is an agreed time-limit for testing the goods within which it is acceptable to withdraw from the sale].<sup>62</sup> What he is actually saying is that, in their opinion, there is no fixed limit that cannot be transgressed where *bayʿ al-khiyār* is concerned; rather, such sales may involve whatever amount of time is necessary in order to test the goods, and this amount will differ from one type of goods to another and can only be fixed by resort to *ijtihād* and local custom, taking into account the different types of goods that are being sold and what is intended by the sale. This is how our specialist imams have understood his words – may Allah have mercy on all of them.

Rather, Mālik chose not to go by this *ḥadīth* for other reasons, namely, his understanding of the idea of separating (*tafarruq*) as referring to their verbal agreement to, and conclusion of, the contract, and that the two parties have the choice [to withdraw from the sale] while they are still discussing and bargaining [but not once they have agreed on the sale]. This is the meaning that one

understands from the word *al-mutabāyiʿayn* (“the two parties involved in a sale”), namely, that the two people are actually engaged in the matter and putting their effort into it, which indicates that this is before the contract has been concluded. This is also further supported by [the *ḥadīth*], “None of you should transact [with a person] while his brother is still transacting [with that person] (*lā yabiʿ aḥadukum ʿalā bayʿ akhihi*)”,<sup>63</sup> which refers to two people who are still bargaining and whose action is referred to as a “transaction” (*bayʿ*) even though the contract has not yet been completed and concluded.

Some of our people also say that this *ḥadīth* is abrogated by the *ḥadīth* which says, “If two parties to a transaction disagree, either the seller's word is accepted, or the two should return [their goods] to each other.”<sup>64</sup> [This is because] if they [still] had the right to revoke the sale (*al-khiyār*), there would be no need for dispute and litigation. It is thus possible that Mālik's words are an example of him giving preference to one report over another when one has the support of the *ʿamal* of the people of Madina and the other does not, as mentioned above.<sup>65</sup> [Nevertheless], many of our people do in fact go by the *ḥadīth* “The two parties to a sale each have the option to withdraw from it (*al-bayyiʿāni bi-l-khiyār*)...” and act according to it, among them Ibn Ḥabīb and others.<sup>66</sup>

Both Abū Dāwūd and al-Tirmidhī transmit that the Prophet, may Allah bless him and grant him peace, said: “The two parties to a sale have the choice [not to go ahead with the sale] as long as they have not separated – unless it is an ‘option sale’ (*ṣafaqat khiyār*) – and it is not allowed for one to leave<sup>67</sup> out of fear that the other will want to revoke the sale.”<sup>68</sup>

Some Mālikīs say that part of the evidence for Mālik's view is that Allah says, “And if they separate (*yatafarraqā*), Allah will enrich each of them out of His boundless wealth” (Q.4:130), where the meaning is “separate verbally” rather than physically, and Allah knows best.

A man once asked Mālik, “O Abū ʿAbdallāh! Do you know about the *ḥadīth* ‘The two parties to a sale each have the option to withdraw from it...?’” He said, “Yes, while you were playing with the other children in al-Baqīʿ!”

A man once asked him, “Why do you relate the *ḥadīth* ‘The two parties to a sale each have the option to withdraw from it...’ in the *Muwattaʿ* and then not act upon it?” Mālik said, “So that ignorant people like yourself will know that it is with full knowledge of it that I have not acted upon it.”

Another man once asked him, “Why do you relate it and then not act upon it?” and he replied, “Do you know about Dār Qudāma?”, which was a well-known place for fun and games.



You should look at Qadi 'Iyād's *Masālik* – may Allah have mercy on him – [for more on this issue].

In the *Masālik* it says:

[Mālik] was one of the most knowledgeable of people with regard to how to refute the *ahl al-ahwā'* and about those points on which people differed.

Ibn al-Mahdī<sup>69</sup> said: "A Mu'tazilī critic from among those who deny the Decree (*al-qadariyyīn*)<sup>70</sup> said: 'I came to Mālik ibn Anas and asked him about a point to do with the Decree. Other people were there with us, and he indicated to me to keep quiet. When everyone had left, he said to me, "You can ask now", since he did not like to answer me when other people were there.'" The narrator continued: "The Mu'tazilī claimed that there wasn't a single point [of his]<sup>71</sup> that he asked about that Mālik didn't answer, producing a decisive argument that invalidated their *madhhab*, until the Mu'tazilī had run out of questions and got up and left."<sup>72</sup>

#### Ibn Rushd on sales with conditions (*al-bay' wa-l-shar'*)

Another indication of Mālik's expertise, knowledge and memorisation of *ḥadīths*, his familiarity with what others were not familiar with, and his knowledge of how to interpret what he transmitted and harmonise between [conflicting] *ḥadīths*, is what Qadi Abū l-Walīd ibn Rushd transmits in his *Muqaddimāt*, after mentioning various points about the different categories of sales involving a stipulated condition (*al-bay' wa-l-shar'*) according to the *madhhab* of Mālik – may Allah have mercy on him. He says:

According to the aforesaid categorisation, there is no contradiction in what has been related from the Prophet, may Allah bless him and grant him peace, on this subject, contrary to the view of the people of Iraq.

It is related that 'Abd al-Wārith ibn Sa'īd said: "I came to Makka and found Abū Ḥanīfa, Ibn Abī Laylā and Ibn Shubruma there. I asked Abū Ḥanīfa, 'What do you say about a man who sells something and at the same time imposes a condition?' He said, 'Both the sale and the condition are invalid.' Then I went to Ibn Shubruma and asked him, and he said, 'Both the sale and the condition are valid.' Then I went to Ibn Abī Laylā and asked him, and he said, 'The sale is valid, but the condition isn't.' I said [to myself], 'Subhāna llāh! Three *fuqahā'* from Iraq all disagreeing about one point!' So I went to Abū Ḥanīfa and told him about it, and he said, 'I don't know what they are saying.' 'Amr ibn Shu'ayb told me, on the authority of his father, on the authority of his

grandfather, that the Messenger of Allah, may Allah bless him and grant him peace, forbade a sale and a condition [together].<sup>73</sup> Then I went to Ibn Abī Laylā and told him about it, and he said, 'I don't know what they are saying. Hishām ibn 'Urwa told me, on the authority of his father, that 'Ā'isha said, "The Messenger of Allah, may Allah bless him and grant him peace, told me to buy Barira and set her free, even if her people [wanted to] make it a condition that her clientage would be theirs, for clientage goes to the manumitter."<sup>74</sup> So the sale is valid, but the condition is not.' Then I went to Ibn Shubruma and told him about it, and he said, 'I don't know what they are saying. Mi'sar ibn Kudām told me, on the authority of Muḥarib ibn Dithār, that Jābir said, "I once bought a camel from the Prophet, may Allah bless him and grant him peace, and he made an agreement with me (*sharāṭa lī*) that I could milk it and ride it as far as Madina."<sup>75</sup> So the sale is valid and so is the condition.'

Ibn Rushd says: Mālik – may Allah have mercy on him – knew all the *ḥadīths* and used them in the way they should be used and interpreted them in the way they should be interpreted. As for Abū Ḥanīfa, Ibn Shubruma and Ibn Abī Laylā, they did not consider the matter in enough depth, nor did they interpret the *ḥadīths* as well as they should have done (*lam yum'īnū l-naẓar wa-lā aḥsanū ta'wīl al-athar*). Allah guides whoever He wills to success and expands his breast to the right understanding. There is no Lord other than Him, and nothing worthy of worship other than Him.<sup>76</sup>

Here ends the quote [from Ibn Rushd].

I say: Ibn Rushd was somewhat harsh in his words against Abū Ḥanīfa – may Allah have mercy on him. It seems clear to me that the three Iraqi scholars should not be criticised for their failure to interpret the *ḥadīths* as well as they should have done, or for not considering the matter in enough depth, but, rather, for their individual lack of knowledge of what each of the others knew. Mālik, on the other hand – may Allah have mercy on him – knew all these *ḥadīths* and how to interpret them. And Allah knows best.

#### Al-Shirimsāhī on the 'amal of Madina

In al-Shirimsāhī's *Naẓm al-durr*, it says:

Another example of this is how, with regard to the *adhān* and the *iqāma*, he relied on the uninterrupted transmission and continuous practice in the mosque of the Messenger of Allah, may Allah bless him and grant him peace, five times a day until his time



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In al-Shirimsāhī's *Naẓm al-durr*, it says:

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– may Allah be pleased with him. It is also on the basis of uninterrupted transmission and continuous practice that he held the view that someone doing the prayer should not recite *bi-smi llāhi l-raḥmāni l-raḥīm* at the beginning of his recitation, because of the well-authenticated transmission and uninterrupted practice [of the same].

As for the transmission, it is the report that Muslim relates in his *Ṣaḥīḥ* that Anas ibn Mālik said, “I did the prayer behind the Messenger of Allah, may Allah bless him and grant him peace, Abū Bakr, ‘Umar and ‘Uthmān, and all of them began their prayer by reciting *al-ḥamdu li-llāhi rabbi l-‘ālamīn*, without mentioning *bi-smi llāhi l-raḥmāni l-raḥīm* either at the beginning of their recitation or at the end of it.”<sup>77</sup>

As for the continuous practice in the mosque of the Messenger of Allah, may Allah bless him and grant him peace, until the time of the Imam [i.e. Mālik], this is something that can be completely relied upon and is a sure source of knowledge, so much so that one exacting scholar said, in a situation where he wished to defend Imam al-Shāfi‘ī, “We only wish that al-Shāfi‘ī had not spoken about this matter!” This is because the mosque of the Messenger of Allah, may Allah bless him and grant him peace, continued for many, many years from his time until the time of Mālik – may Allah have mercy on him – without anyone there ever reciting *bi-smi llāhi l-raḥmāni l-raḥīm*, that is, at the beginning of his recitation. This was because they were following the way that the Prophet, may Allah bless him and grant him peace, used to do the prayer. The same thing applies to their transmission about the *mudd* and the *ṣā‘*, and there being no *zakāt* on vegetables or on any animals other than domestic livestock. This was because, despite the large amount of time that had passed since the time of the Prophet, may Allah bless him and grant him peace, no *zakāt* collectors had ever collected *zakāt* from any animals other than domestic livestock.

You should consult the aforementioned book for a fuller exposition of this point.

[Al-Shirimsāḥī] also says, in the same book:

Another example of this is how he allows a phrase which relates to a specific context to apply in a general sense beyond that particular instance, as in the *ḥadīth* about Bī‘r Buḍā‘a,<sup>78</sup> and other such cases. This is also the opinion of a number of experts in the science of *uṣūl*, and is also what he relied upon – may Allah be pleased with him – with regard to Allah’s words “Say, I do not find,

in what has been revealed to me, anything that is *ḥarām* for people to eat [except if it be carrion, or blood that has been shed, or pork – for that is filth (*rijs*) – or some deviance consecrated to other than Allah. But if anyone is forced to do so, neither wilfully nor transgressing – your Lord is Ever-Forgiving, Most Merciful]” (Q.6:145). This is because this is an unambiguous text with regard to what is not specifically mentioned in the verse, and an affirmation of its permissibility.<sup>79</sup> This means that the various prohibitions [of foodstuffs] that have come down in authentic *ḥadīths* should be considered as only indicating what is disliked [rather than what is categorically forbidden]. Furthermore, negating [the full prohibitive force of] these various *ḥadīths* also allows one to give preference to the ostensible meaning (*zāhir*) of the Noble Book. This is because the [above-mentioned] *āya* is *muḥkama* [i.e. not abrogated] and among the last verses to be revealed, because it was revealed on the Day of ‘Arafa [i.e. during the Farewell Hajj very near the end of the Prophet’s life], which was also the day when the verse “Today I have completed your *dīn* for you” (Q.5:4) was revealed, and this was after the date when [the flesh of] domestic donkeys was prohibited.<sup>80</sup>

After mentioning this, al-Shirimsāḥī notes the difference of opinion among the Companions with regard to the permissibility of [eating] small ground-dwelling creatures (*ḥasharāt*)<sup>81</sup> and domestic donkeys. He notes that they were considered permitted by Ibn ‘Abbās and ‘Ā’isha, who would recite the [above-mentioned] *āya*. He then says: “Because of the clarity of this principle and the evidence of numerous *fatwās* from the the first generations (*salaf*), the Imām al-Ḥaramayn, Abū l-Ma‘ālī [al-Juwaynī] – who was a pastmaster in the science of *uṣūl* – said: ‘If it were not that al-Shāfi‘ī had gone against Mālik, we would not have allowed anyone to go against him.’”<sup>82</sup>

Al-Shirimsāḥī says: “Nor should it be allowed, for this reason.”

[Al-Shirimsāḥī] then mentions how [al-Juwaynī] spoke ill of Mālik and claimed that the *salaf* – may Allah be pleased with all of them – were definitive in their declaring these things to be *ḥarām*, and that their ‘*ulamā*’ took this position.

Al-Shirimsāḥī [then] says – may Allah have mercy on him:

What he relates from the *salaf* is not true. Indeed, his words contain no specific mention of any one person among them who held these things to be *ḥarām*, and we have already mentioned what has been transmitted from the experts and ‘*ulamā*’ among them and the clear *fatwās* that they gave [on this matter]. The ‘*ālim*’ of Madina knew better [than al-Juwaynī] about the situation they were in and the methods they used and the sources they relied upon [in



arriving at judgements], and he is better known for following them and acting according to their *sunna* and practice [than al-Juwaynī]. It is for this reason that he said – may Allah be pleased with him: “When other people and ourselves relate the same, we are both the same; but when we differ from them, we have a better knowledge of the situation.” We have already mentioned what he said about those Companions of the Messenger of Allah, may Allah bless him and grant him peace, who died in Madina.

The Imām al-Haramayn then mentions that this [understanding of the verse] would entail having to consider dirty things (*qādhūrāt*) and excrement (*‘adhirāt*) to be permissible, whereas in fact all are agreed that these are *ḥarām*.

Our response is that excrement is not one of the things that people eat [and the above-mentioned verse refers to things which are eaten], and the same applies to [other] impure substances that people consider dirty. Also, these things are *rijs* (“filth”), and so are *ḥarām* by the [same] *āya*. As for other things which are considered dirty, there is no consensus regarding whether they are *ḥarām* or not; on the contrary, there is a well-documented difference of opinion about them, which is amply clear – if Allah wills.

#### *Sales by list of contents (al-bay‘ ‘alā l-barnāmaj)*

Al-Shirimsāhī also says, in the same book [i.e. *Nazm al-durr*]:

Another example of this is that [Mālik] says that it is permissible to sell items which are not actually present as long as they have been clearly described,<sup>83</sup> on the basis, [firstly], that [such a description] is an acceptable way of arriving at knowledge [of something], and, [secondly], because of the consensus of the Companions – may Allah be pleased with them – on this issue and various instances when such sales were known to have taken place in Madina.

As for the first [of these reasons], it is because Allah says, “They recognise it, as they recognise their [own] children” (Q.2:146), when in fact they only recognised it by its description; and because Allah also says, “When what they recognise comes to them, they reject it” (Q.2:89). There is also the *ḥadīth* that “A woman should not describe another woman to her husband so that it is as if he can see her.”<sup>84</sup>

As for the second [of these reasons], it is because this has been related from ‘Umar, ‘Uthmān, Ibn ‘Umar, ‘Abd al-Raḥmān ibn ‘Awf, Ṭalḥa and others, without anyone opposing them.

One example of this is that ‘Abd al-Raḥmān bought a slave from ‘Uthmān without the slave actually being present, although

the Companions – may Allah be pleased with them – were hoping that ‘Uthmān and ‘Abd al-Raḥmān ibn ‘Awf would actually exchange their goods with each other there and then so that they could see who had been the most fortunate in his trading. This happened in their presence, and none of them objected to it, although they knew about it. In fact, the slave died before [‘Abd al-Raḥmān] took possession of him.

Another example is what is related about ‘Uthmān and Ṭalḥa exchanging houses with one another, one of which was in Kufa and the other in Madina. Somebody said to ‘Uthmān, “You’ve been swindled (*qad ghubinta*)!” He said, “I still have the choice to revoke the sale if I want to.” They took their case to Jubayr ibn Mu‘im, and he gave judgement that the sale was valid, but that ‘Uthmān had the choice of revoking it if he wanted, basing his affirmation of [‘Uthmān’s] right to revoke the sale on the existence of swindling (*ghubn*) in the contract.

Mālik said: “People still continue to permit sales by list of contents (*al-bay‘ ‘alā l-barnāmaj*) to this day.”<sup>85</sup>

Ibn Rushd says [in his *Muqaddimāt*]:

Selling goods that are not actually with the seller, by description, lies outside the prohibition of the Prophet, may Allah bless him and grant him peace, against sales with uncertainty in them (*bay‘ al-gharar*), according to the *madhhab* of Mālik and all his people. This is different to the opinion of al-Shāfi‘ī, who says that it is not permissible to sell something that is not actually with the seller, because it is neither something that can be seen nor a guaranteed description of it for which somebody can be held responsible. It is also different to the opinion of Abū Ḥanīfa, who says that it is permissible to buy something that is not actually with the seller whether there is a description of it or not, and that the buyer has the choice of revoking the sale when he sees the thing.<sup>86</sup>

You can see – may Allah have mercy on you – how balanced and just the *madhhab* of Mālik is! Ibn Rushd also cites as evidence in his answer some of the points that we have already mentioned.<sup>87</sup>

#### *The invalidity of khiyār al-majlis*

In al-Shirimsāhī’s [book it says]:

Another example of this is his reliance on the continuous practice [of the people of Madina] and their well-known judgements with



arriving at judgements], and he is better known for following them and acting according to their *sunna* and practice [than al-Juwaynī]. It is for this reason that he said – may Allah be pleased with him: “When other people and ourselves relate the same, we are both the same; but when we differ from them, we have a better knowledge of the situation.” We have already mentioned what he said about those Companions of the Messenger of Allah, may Allah bless him and grant him peace, who died in Madina.

The Imām al-Ḥaramayn then mentions that this [understanding of the verse] would entail having to consider dirty things (*qādhūrāt*) and excrement (*‘adhirāt*) to be permissible, whereas in fact all are agreed that these are *ḥarām*.

Our response is that excrement is not one of the things that people eat [and the above-mentioned verse refers to things which are eaten], and the same applies to [other] impure substances that people consider dirty. Also, these things are *rijs* (“filth”), and so are *ḥarām* by the [same] *āya*. As for other things which are considered dirty, there is no consensus regarding whether they are *ḥarām* or not; on the contrary, there is a well-documented difference of opinion about them, which is amply clear – if Allah wills.

#### *Sales by list of contents (al-bay‘ ‘alā l-barnāmaj)*

Al-Shirimsāḥī also says, in the same book [i.e. *Naẓm al-durr*]:

Another example of this is that [Mālik] says that it is permissible to sell items which are not actually present as long as they have been clearly described,<sup>83</sup> on the basis, [firstly], that [such a description] is an acceptable way of arriving at knowledge [of something], and, [secondly], because of the consensus of the Companions – may Allah be pleased with them – on this issue and various instances when such sales were known to have taken place in Madina.

As for the first [of these reasons], it is because Allah says, “They recognise it, as they recognise their [own] children” (Q.2:146), when in fact they only recognised it by its description; and because Allah also says, “When what they recognise comes to them, they reject it” (Q.2:89). There is also the *ḥadīth* that “A woman should not describe another woman to her husband so that it is as if he can see her.”<sup>84</sup>

As for the second [of these reasons], it is because this has been related from ‘Umar, ‘Uthmān, Ibn ‘Umar, ‘Abd al-Raḥmān ibn ‘Awf, Ṭalḥa and others, without anyone opposing them.

One example of this is that ‘Abd al-Raḥmān bought a slave from ‘Uthmān without the slave actually being present, although

the Companions – may Allah be pleased with them – were hoping that ‘Uthmān and ‘Abd al-Raḥmān ibn ‘Awf would actually exchange their goods with each other there and then so that they could see who had been the most fortunate in his trading. This happened in their presence, and none of them objected to it, although they knew about it. In fact, the slave died before [‘Abd al-Raḥmān] took possession of him.

Another example is what is related about ‘Uthmān and Ṭalḥa exchanging houses with one another, one of which was in Kufa and the other in Madina. Somebody said to ‘Uthmān, “You’ve been swindled (*qad ghubinta*)!” He said, “I still have the choice to revoke the sale if I want to.” They took their case to Jubayr ibn Muṭ‘im, and he gave judgement that the sale was valid, but that ‘Uthmān had the choice of revoking it if he wanted, basing his affirmation of [‘Uthmān’s] right to revoke the sale on the existence of swindling (*ghubn*) in the contract.

Mālik said: “People still continue to permit sales by list of contents (*al-bay‘ ‘alā l-barnāmaj*) to this day.”<sup>85</sup>

Ibn Rushd says [in his *Muqaddimāt*]:

Selling goods that are not actually with the seller, by description, lies outside the prohibition of the Prophet, may Allah bless him and grant him peace, against sales with uncertainty in them (*bay‘ al-gharar*), according to the *madhhab* of Mālik and all his people. This is different to the opinion of al-Shāfi‘ī, who says that it is not permissible to sell something that is not actually with the seller, because it is neither something that can be seen nor a guaranteed description of it for which somebody can be held responsible. It is also different to the opinion of Abū Ḥanīfa, who says that it is permissible to buy something that is not actually with the seller whether there is a description of it or not, and that the buyer has the choice of revoking the sale when he sees the thing.<sup>86</sup>

You can see – may Allah have mercy on you – how balanced and just the *madhhab* of Mālik is! Ibn Rushd also cites as evidence in his answer some of the points that we have already mentioned.<sup>87</sup>

#### *The invalidity of khiyār al-majlis*

In al-Shirimsāḥī’s [book it says]:

Another example of this is his reliance on the continuous practice [of the people of Madina] and their well-known judgements with



regard to *khiyār al-majlis* [i.e. the right to withdraw from a sale while the two parties, having agreed the sale, are still in each other's company] being invalid, and the fact that a contract [of sale] is binding as soon as it is made.<sup>88</sup> This is because it is clear that they did have knowledge of the situation, despite the accusations against them, since they are the ones who relate the *ḥadīth*, "The two partners to a contract have the choice [of revoking the sale] as long as they have not separated", and yet still go against it, despite them being well aware of it and it being well known among them.<sup>89</sup> It is clear that they knew about this, despite the accusations against them, especially in view of the large amount of contact they had with the Companions of the Prophet, may Allah bless him and grant him peace, and their immense concern to find out about the matters of their *dīn* from the most reliable sources that would provide them with knowledge, and the resultant high probability that they would have known what the latest, abrogating judgements were. And Allah knows best.

Here ends our quotation, in abridged form, from al-Shirimsāhī's *Nazm al-durr* – may Allah have mercy on him.

Some Mālikīs say that [this view of theirs] entails them having a bad opinion of most of the early generations (*al-salaf al-ṣāliḥ*), or [at least] some of them, in Madina,<sup>90</sup> when in fact they cannot be accused of having neglected to act according to the *ḥadīth* of the Messenger of Allah, may Allah bless him and grant him peace, without having had a strong reason do so also based on knowledge derived from him, may Allah bless him and grant him peace. And Allah knows best.

#### *The principle of sadd al-dharā'ī' (blocking the means)*

In the aforementioned book [al-Shirimsāhī] also says – may Allah have mercy on him:

Another example of this is [the principle of] blocking the means (*sadd al-dharā'ī'*) to what is *ḥarām* with regard to *ribawiyyāt* [i.e. those types of goods which are subject to the prohibitions regarding *ribā*], since this was the opinion of the people of Madina and their continuous practice, based on mutually supportive (*taḍāfur*) evidence from the Book and the Sunna, the consensus of the whole community, and the reports that have been transmitted to the effect that what leads to the forbidden is itself forbidden.

One example of this is where Allah says, "When they transgressed (*ya'dūna*) on the Sabbath" (Q.7:163), since "transgression" is used

to refer to the means they employed [to break the Sabbath, by putting out their fishing nets on that day].

A second example is where Allah says, "Do not curse those who call on other than Allah so that they [end up] cursing Allah in enmity, without any knowledge" (Q.6:108). This is because this is an unambiguous statement that cursing their gods is forbidden since it leads to what is forbidden.

A third example is where Allah says, "Do not say *rā'inā*" (Q.2:104), because the Jews would use this as a way of cursing the Prophet.<sup>91</sup>

A fourth example is where Allah says, "Do not be too soft-spoken in your speech, lest the one in whose heart there is sickness becomes desirous" (Q.33:32).

A fifth example is where Allah says, "Let them not stamp their feet so that others will be aware of the beauty they are hiding" (Q.24:31).

A sixth example is where Allah says, "Do not follow your desires and thus be led astray from the path of Allah" (Q.38:26).

A seventh example is the *ḥadīth* that Mālik records in his *Muwatta'*, and which is also in the *Ṣaḥīḥayn*, that the Prophet, may Allah bless him and grant him peace, said, "May Allah fight the Jews! They were forbidden to eat the fat of animals, so they sold it and ate its price instead."<sup>92</sup> This is because this was a means to "eating" it in this indirect manner.

He then goes on to say:

A thirty-third example is the rule which is relied upon to the exclusion of any other with regard to business transactions with questionable outcomes (*'uqūd al-tuham*), which is the prohibition, agreed upon by consensus, of a sale and a loan in one transaction, even though both transactions may be perfectly acceptable in themselves. This is in order to prevent the possible outcome (*tuhma*) of using one of them to arrive at the other.

There are many other examples which would take too long to enumerate.

Here ends the quotation, in a shortened form, from the aforementioned *Nazm al-durr*, which you should consult, if you need to, between the two sections mentioned. And Allah knows best.

#### *Rational proofs for giving preference to the madhhab of Mālik*

[Al-Shirimsāhī] then goes on to say, in his *Nazm al-durr*, after dealing with giving preference to the *madhhab* of Mālik by virtue of transmitted reports:



As for rational proofs, they consist of a number of considerations: Firstly, the first generation of scholars in Madina were the most knowledgeable about the situation regarding matters of the *dīn* at the time when the Messenger of Allah, may Allah bless him and grant him peace, died. Imam Mālik is the most knowledgeable of the *'ulamā'* of the various cities with regard to the knowledge of the people of Madina, and he is therefore the most knowledgeable of them about the situation regarding matters of the *dīn* at the time when the Messenger of Allah, may Allah bless him and grant him peace, died. The reason for this first generation being the most knowledgeable about the situation regarding matters of the *dīn* at the time when the Messenger of Allah, may Allah bless him and grant him peace, died, is that they were the ones who were able to meet the Companions of the Prophet, may Allah bless him and grant him peace, and to live with them and keep company with them. They grew up among them and took their knowledge from them, and had the good fortune to keep their company and to have their guidance as a model. No one else in the community can match this or contest this with them. It is thus impossible, given their historical and physical nearness to the Companions, that the *sunna* should have died among them and yet have lived and flourished with others who lived so much further away. On the contrary, how many a *sunna* has their *'amal* preserved! This is why the Imam said – may Allah be pleased with him: “The Messenger of Allah, may Allah bless him and grant him peace, reached the pass [at the entrance to Madina] after [returning from] the expedition to Khaybar with some 12,000 people, of whom some 10,000 died in Madina, while the rest of them spread out in various places. So whose opinion and practice (*'amal*) are more worthy of being followed – those among whom the Messenger of Allah, may Allah bless him and grant him peace, and these Companions died, or those among whom there were two or three of them?”<sup>93</sup> It was for this reason that Rabī'a said, “One thousand from one thousand is preferred by me to one from one”, with the addition, in one transmission, of “[That] would tear the *sunna* right out of your hands.”<sup>94</sup> It was for this reason also that those Companions of the Messenger of Allah, may Allah bless him and grant him peace, who were outside Madina would, if they were in doubt about a matter, give no firm judgement on it until they had gone to Madina and asked about it. This was done by Ibn Mas'ūd, Ibn 'Umar, Abū Hurayra and others.<sup>95</sup>

That Mālik was the most knowledgeable about the people of Madina among all the *'ulamā'* of the various cities is because of the well-known and well-established fact that a person who comes

from a particular place will know most about the knowledge and reports available there. One of the best pieces of evidence for this – [and, al-Rā'ī adds, on the basis that he is the one referred to in the *ḥadīth*] – is that if someone were to praise or disparage the knowledge of the people of Madina, a listener would have no doubt that it is the knowledge of Mālik, rather than that of any other of the *'ulamā'* of the various cities, that is being praised or disparaged. This is [further] proof that he is particularly associated with the knowledge that they had in a way which none of the other *'ulamā'* of the various cities shares with him.

Another indication of this is what al-Fakhr ibn al-Khaṭīb says when he mentions how al-Shāfi'ī gave preference to the knowledge of the people of Madina.<sup>96</sup>

I say: This is clearly giving primacy to Mālik's *madhhab*, even if al-Shāfi'ī did not actually mention the *madhhab* of Mālik in his words, but only bore witness to the soundness of what the people of Madina were following and the falsity of anything else.

[Al-Shirimsāhī continues:]

The second consideration is that Mālik – may Allah be pleased with him – gathered together what others did not in terms of his wide-ranging knowledge and long experience in criticising the sources of this knowledge and his knowledge of the experts of this *umma*, after the seas of their knowledge had been obliterated and the waves of their understanding had collided with each other. All of this creates a high likelihood of his being more worthy of preference [than any others].

This second consideration is clear. As for the first, this is because he gave *fatwā* and taught in the mosque of the Messenger of Allah, may Allah bless him and grant him peace, for some seventy years during the second century [of the Hijra]. He had a circle in the mosque of the Prophet, may Allah bless him and grant him peace, while Nāfi' was still alive and present there. His *madhhab* continued among them, and also in the furthest parts of the East and the West, and his reputation for breadth of knowledge increased while the great *'ulamā'* – may Allah be pleased with them all – who had transmitted some knowledge from him or asked him about some matter became fewer and fewer in number. Among the well-known scholars of the Tābi'īn who were also his teachers and who took from him were Rabī'a and Yaḥyā ibn Sa'īd. Sufyān al-Thawrī, despite his great standing, was one of those who learned from him, following him in what he did when he was doing *tawāf*. Sa'īd ibn Manṣūr said: “Mālik wouldn't do anything without



Sufyān being behind him doing the same thing." Similarly, Zayd ibn Aslam, despite his high standing, would take the opportunity to ask him about various matters – may Allah be pleased with all of them. All of this is something which did not happen with any other imam or *mujtahid* either before or after him. From this it can be seen that he is more worthy of being given preference – may Allah be pleased with him.

The third consideration, which is also the last with regard to the different reasons for giving preference to Mālik and his *madhhab* – may Allah be pleased with him – is that the relative strength (*arjaḥiyya*) of the different *madhhabs* derives from the strength of their sources and the extent to which they are free from error, and Mālik – may Allah be pleased with him – is the winner of the trophy in this respect.

As for the "highness" of his *isnād*, this is because, according to the scholars of *ḥadīth*, there is no higher *isnād* than the *isnād* of Nāfi' from Ibn 'Umar. Furthermore, it is mentioned in the *ʿUthbiyya* that Mālik transmitted from 'Ā'isha bint Sa'd ibn Abi Waqqāṣ, who, according to some, was a Companion, in which case, as Ibn Rushd notes, Mālik would be a *Tābi'ī* – may Allah be pleased with him.<sup>97</sup>

As for the excellence of his critique and the breadth of his knowledge, all the specialists in this business are agreed that he is the leading expert with regard to transmitted reports and being able to differentiate the strong from the weak, the earlier from the later, and those which are acted upon from those which are not. This is obvious enough not to need any further clarification.

As for giving him preference with regard to his personal opinion, his ability to derive judgements, his understanding of *fiqh* and the excellence and sharpness of his intellect, we have already mentioned the words of Imam Aḥmad ibn Ḥanbal – may Allah be pleased with him – and of Ibn Mahdī and others. Some of the strongest evidence for this is the praise of the [other] three imams for him, and [in particular] the testimony of Imam al-Shāfi'ī about this, and his debate with Muḥammad ibn al-Ḥasan and Abū Yūsuf and the arguments he used against them, as we have already mentioned.

One cannot say [as an argument] against this that there were people who came after him who added their own knowledge to his knowledge and expertise, and chose of it that which was good and declared as false that which was off the mark. This is because we do not accept that such people had in fact gathered the knowledge that he had, because those who say this do not know exactly what knowledge [Mālik] had, so how can they state categorically

what knowledge he had? And even if we did accept this possibility, we do not accept their supposed correction of what they consider to be wrong in those matters on which they take a different view, because we do not accept that it is sound criticism to reject what was formulated during the best of centuries, over a substantial period of time.<sup>98</sup> Rather, it is clear, now that that period of time is over, that it is incorrect [to do so]. Furthermore, even though such conflicting claims to knowledge might seem equally valid, the basic rule is nevertheless that one should hold to the established position until one knows who the transmitter [of the new position] is, with the onus being on this transmitter to explain [the reasons for his new position].

I say: These words of al-Shirimsāḥī are effectively a rebuttal of Abū l-Ma'ālī al-Juwaynī, who is the one who made such a claim.

Al-Shirimsāḥī continues:

Al-Shāfi'ī – may Allah be pleased with him – was too honest to have claimed that he had gathered all the knowledge that Mālik had, especially as he is the one who said to Imam Aḥmad – may Allah be pleased with him: "You have a better knowledge of authentic reports than us, so, if there is an authentic report, tell me about it so that I can go by it." This is mentioned by Ibn al-Khaṭīb and others.

As for him opposing Mālik – may Allah be pleased with both of them – that is an unavoidable necessity for anyone who is a *mujtahid*.

I say: What al-Shirimsāḥī says about al-Shāfi'ī being above claiming to have gathered all the knowledge that Mālik had is not without its problems, because a *mujtahid* is not permitted to go against those who have gone before him or those living at the same time as him unless he himself believes that he has greater knowledge than those he is going against. If this is not the case, then it is *ḥarām* for him to go against them, to whatever extent it is that he does so. It should also be that other people consider him fit for that as well. I heard this from our shaykh Abū l-Ḥasan 'Alī ibn Muḥammad ibn Sam'at (?) al-Andalusī – may Allah be pleased with him.

Furthermore, our master the Chief Qadi Shihāb al-Dīn Ibn Ḥajar – may Allah ennoble him – transmits in *Tawālī al-ta'sīs* that al-Shāfi'ī – may Allah have mercy on him – said: "I entered Egypt without knowing that Mālik went against any more than sixteen of the *ḥadīths* that he relates, and then I saw that he would sometimes go by the root and leave the branch, and sometimes go by the branch and leave the root."<sup>99</sup>

I say: This involves a clear contradiction [with al-Shirimsāḥī's earlier statement about al-Shāfi'ī].



[Ibn Ḥajar] also transmits in the same book that al-Shāfi'ī wrote his book against Mālik because he had heard that some people in Andalusia were using a hat (*qalansuwa*) of Mālik's to ask for rain, and that these people would be told, "The Messenger of Allah, may Allah bless him and grant him peace, said . . .", and they would say, "[but] Mālik said . . .". Al-Shāfi'ī said, "Mālik is a human being who makes mistakes." It was this that led him to write his book and disagree with Mālik.<sup>100</sup>

I say: One would answer for the people of Andalusia that Mālik knew more about what the Messenger of Allah, may Allah bless him and grant him peace, said than the one who said to them "The Messenger of Allah, may Allah bless him and grant him peace, said . . .". However, if this report from al-Shāfi'ī is true, then it is a clear statement that he believed himself to be more knowledgeable than Mālik.

One should also consider their transmission that Imam al-Shāfi'ī – may Allah have mercy on him – said, "Mālik is a human being who makes mistakes", without them also saying "and gets things right". I do not think that al-Shāfi'ī – may Allah have mercy on him – would have said that [in the way they say].

It is also recorded in the aforementioned book that al-Shāfi'ī is the one who said: "They say that I have gone against them for some worldly motive, but how can that be when it is they who have all the things of this world? I am only going against those who go against the *sunna* of the Messenger of Allah, may Allah bless him and grant him peace."<sup>101</sup>

It would appear that what he meant by this was those who go against the *ḥadīth* and prefer instead the 'amal of the people of Madina, such as Mālik.

Our master, the Chief Qadi, also records in the aforementioned book that al-Rabī' ibn Sulaymān said: "Al-Shāfi'ī asked me about the people of Egypt and I said, 'They fall into two groups: one that inclines to the opinion of Mālik and argues strongly for that, and another that inclines to the opinion of Abū Ḥanīfa and argues strongly for that.' He said, 'I hope that, God willing, I will be able to come to Egypt and bring them something that will keep them away from resorting to either opinion.'" Al-Rabī' said, "And that's what he did when he entered Egypt."<sup>102</sup>

He also says, in the aforementioned book: "Ibn [Abī] Surayj<sup>103</sup> said: 'I heard al-Shāfi'ī say, "I spent sixty dinars on the books of Muḥammad ibn al-Ḥasan [al-Shaybānī]. Then I looked at them closely and wrote down a *ḥadīth* beside every point" – i.e. by way of refutation."<sup>104</sup>

It is also [recorded] in [the same book], from al-Buwayṭī, that al-Shāfi'ī said: "The people of *ḥadīth* came to me and asked me to write a refutation of the book of Abū Ḥanīfa. I said, 'I won't know what their opinions are until I look at their books'. So I had all the books of Muḥammad ibn al-Ḥasan copied out for me and I spent a year looking at them until I had memorised them, and then I wrote the 'Baghdādī book'"<sup>105</sup> – i.e. the *Hujja*.

I say: If al-Shāfi'ī had not considered himself to be the more knowledgeable of the two parties, it would not have been permissible for him to do that, nor would he have opposed them both. It was his *ijtihād* that led him to do that.

[Al-Shirimsāhī continues:]

The last reason for preferring the knowledge of Mālik to that of others is that the first generation of this community followed the Messenger of Allah, may Allah bless him and grant him peace, more closely and were better guided to the sources of truth than others. The *madhhab* of Imam Mālik – may Allah have mercy on him – is based upon following them, and so is more likely to be similar to what they were doing, which is another strong argument for giving him preference. Mālik said: "The last of this *umma* are not more guided than the first."

Al-Shirimsāhī says: "This [latter phrase] should be understood in a general sense."

Here end the quotations, in an abridged form, from his *Naẓm al-durr* – may Allah have mercy on him.

### Some anecdotes

When he was in Egypt, the knowledgeable Shaykh and Imam Abū l-Qāsim al-ʿAbdūsī was asked, "Who is more knowledgeable, Mālik or al-Shāfi'ī?" He replied, "Where is al-Shāfi'ī buried?" They said, "In al-Qarāfa." He said, "And where is Mālik buried?" They said, "In the City of the Messenger of Allah, may Allah bless him and grant him peace, next to Sayyidnā Ibrāhīm." Al-ʿAbdūsī said, "The difference between the two is the difference between the two."<sup>106</sup>

This story has also been related from one of the ordinary people of the Maghrib, rather than al-ʿAbdūsī, and Allah knows best.

A Mālikī was once asked, "Who is more knowledgeable, Mālik or al-Shāfi'ī?" He replied, "Mālik is more knowledgeable than Mālik", by which he meant that Mālik was al-Shāfi'ī's shaykh and teacher, and was thus more knowledgeable than al-Shāfi'ī by virtue of being his teacher – may Allah have mercy on both of them and give us benefit from both of them, and from all the 'ulamā' of the Muslims.

### A poem in praise of the Mālikī madhhab

The *faqīh* Abū ʿAbdallāh Muḥammad ibn ʿAmmār al-Mayūrqī – may Allah have mercy on him – wrote the following poem in praise of Mālik – may Allah be pleased with him – and his *madhhab* and the people of Madina:



When it comes to *madhhab*, be Mālikī  
 Be Madinan and a strong Sunnī –  
 The Madina of the best of those who have ridden a riding-beast  
 And the place where the revelation of the Lord of the Worlds came  
 down.  
 In it was the Prophet and the best of Companions  
 Most of whom are buried there.  
 Mālik is acceptable to Allah, without a doubt –  
 He was following a clear path.  
 We have looked at all the *madhhabs*, and have not seen  
 Any like the *madhhab* of Mālik, for those who look.  
 Our *madhhab* is one of following, not innovation,  
 As a noble man follows the noblest.<sup>107</sup>  
 Never have any Khawārij been found in it,  
 Nor have they ever appeared [in it], despite the length of time.  
 In my view all are *mujtahids* and on the right path,  
 But Mālik is among the foremost.  
 Proofs have shown the correctness  
 Of what he says, in the eyes of those who have realised the  
 truth.<sup>108</sup>

It occurred to me to add three verses to the poem, one just after where he says "Our *madhhab* is one of following, not innovation" [i.e. the one beginning "Never have any Khawārij"], and two at the end, namely:

He to whose knowledge the Messenger bore witness  
 Is fully deserving of the station of 'ālim.  
 The Imams have gone to great lengths in their praise of him –  
 All three of them, the greatest of praisers.

By these three verses I was referring [firstly,] to the fact that Khawārij have never appeared in the *madhhab* of Mālik, [secondly,] to the *ḥadīth* mentioned earlier,<sup>109</sup> and thirdly, to the praise of him by the three imams of the rank of *ijtihād*.

All in all, he says many things about him which one cannot hope to exhaust here. If anyone could produce two verses like these in praise of their imam, then the Mālikīs would allow that he is of an equal status [to their imam].

Therefore, in both general and specific terms, Mālik is in truth the Imam of the Imams, the Scholar of the Scholars, and the Shaykh of the Shaykhs, without any dispute – except by those whose dispute is not worthy of consideration, who are devoid of *dīn* and to whom Allah gives no importance.

Al-Shirimsāhī says – may Allah have mercy on him: "It is my opinion that the intellect and expertise of the 'ālim of Madina will not be surpassed by anyone after him."

Whoever wishes to have more evidence for this should look at the examples we give [in the next section] about differences of opinion [regarding *fiqh*].

It is related that when al-Shāfi'ī – may Allah have mercy on him – knew that he was about to die and made his final bequest, he was asked who should wash him. He said, "Muḥammad ibn 'Abdallāh ibn 'Abd al-Ḥakam." When al-Shāfi'ī died, Muḥammad ibn 'Abdallāh ibn 'Abd al-Ḥakam was told about this and he said, "The washer will wash him. I know what he was referring to. What he meant by me washing him was that his debt should be paid off." Muḥammad, being a generous man of some considerable means, paid off al-Shāfi'ī's debt, which, they say, amounted to eighty thousand [dirhams?]. Muḥammad [ibn 'Abdallāh] ibn 'Abd al-Ḥakam's reward [for this] was, in the eyes of one later fanatical Shāfi'ī, that he wanted to remove Muḥammad ibn 'Abd al-Ḥakam from [his grave] near that of al-Shāfi'ī, thus removing him from his own land and the land of his ancestors, out of fanaticism against him, after he had shown nobleness and generosity towards the Imam and been a good companion to him while he was alive and paid off his debt for him after he died – may Allah have mercy on both of them.

One Mālikī said: "Many scholars of the *madhhabs*, both in the past and more recently, have written books about the qualities of the three *mujtahid* imams and others, but they have not been able to come up with the qualities of the Imam of the Imams of this rightly guided path (*al-milla al-ḥanīfiyya*), the 'ālim of the 'ulamā' of the Muhammadan Shari'ah, and the Shaykh of many of those Tābi'īn who preceded him in the Abode of the Prophetic Hijra, Mālik ibn Anas – may Allah be pleased with him. They did not come near him or approach him, nor did they reach or arrive at [his station]." Because of this, Mālikīs like to recite the following well-known verse:

O you who have appeared in brilliance on the heights of  
 Al-Raqmatayn  
 You have spoken, but your teeth do not have the same whiteness.<sup>110</sup>

All in all, then, if those among the chiefs of the *madhhabs* were to produce reasons such as these, or the equivalent, for preferring their *madhhabs*, the Mālikīs would allow them an equal place in this matter. However, they are not able to do this, and it is therefore clear that it is Mālik who is to be given preference, despite what the envious or obstinate might feel. If anyone is able to provide a response of this sort, then let him do so. And Allah knows best what is correct.



**Mālik's letter to al-Layth ibn Sa'd about the 'amal  
of the people of Madina**

The following is the letter of Mālik to al-Layth ibn Sa'd – may Allah have mercy on both of them – in an abbreviated form:

From Mālik ibn Anas to al-Layth ibn Sa'd: Peace be upon you. I praise Allah, other than whom there is no god, to you. Know that I have heard that you are giving *fatwās* to people contrary to that which a group of the Muslims here in this city of ours follow. You, as an imam and a person of excellence and high standing in the eyes of the people of your land, and in view of their need of you and their reliance upon what comes to them from you, should fear for yourself and follow that by which you hope to achieve safety.

He then mentions some of the special qualities of Madina and of the Muhājirūn and the Anṣār – may Allah be pleased with them. Then he says:

Know that the only reason I am writing this to you is to give you advice for the sake of Allah alone because of my concern for you and my good opinion of you. So consider my letter [to you] in the way it should be considered and, if you do so, you will realise that I have not spared you any good counsel.

He then signs off, making *du'ā'* for him, and dating the letter.<sup>111</sup>

**Al-Layth's reply to Mālik's letter about  
the 'amal of the people of Madina**

After greeting him, part of al-Layth's reply to Mālik's letter is as follows:

You have heard that I have been giving *fatwās* contrary to that which is followed by a group of people where you are and that I should fear for myself because of the reliance of the people here on the *fatwās* that I give them, and that everyone should follow the people of Madina, which is the place to which the Hijra was made and in which the Qur'an was revealed.

You are right in what you have written, God willing, and I would in no way deny it. Nor is there anyone who has a greater preference for the knowledge of the people of Madina who have passed away, nor anyone who is more ready to accept their *fatwās*, than I am – praise be to Allah.

As for what you mention about the position of the Messenger of Allah, may Allah bless him and grant him peace, in Madina, and how the Qur'an came down to him while he was among his Companions, and how Allah taught them, and how all people should follow them, this is all as you have mentioned. *Wa-l-salām*.<sup>112</sup>

When Mālik was an old man, the caliph said to him, "Why don't you dye your beard (*takhḍib*), as do your companions?" Mālik replied, "Is this all that is left of justice – that you should tell me to dye my beard?"<sup>113</sup>

I say: This is one of the things in which the people of Egypt follow the same practice as the Jews and the Christians and, in doing so, have left the *sunna*, for dyeing the beard is considered a *sunna* by the Shāfi'īs, and is recommended as far as we are concerned. The Messenger of Allah, may Allah bless him and grant him peace, dyed his beard, as did Abū Bakr, 'Umar and Mālik ibn Anas.<sup>114</sup> Dyeing the beard is a mark of the Arabs and the people of Islam. The Messenger of Allah, may Allah bless him and grant him peace, said, "The Jews and the Christians do not dye their beards, so do the opposite of what they do",<sup>115</sup> and did not say, "so do the same as they do." He also said, may Allah bless him and grant him peace, "Change [the colour of] this whiteness."<sup>116</sup>

Similarly, the people of Egypt do the same as the Jews when they sway backwards and forwards, just as the Jews do, when they are learning or concentrating [on something].

Ibn Hurmuz once gave a slave-girl of his called Janna ("Garden") in marriage to someone. When he met the husband on the seventh day after he had married her, he asked him, "How did you find Janna?" He said, "I found her a garden (*janna*)." Ibn Hurmuz was very happy with that, but Mālik said, "My master, he has insulted her." He said, "How?" He said, "He was saying that she is broad (*wāsi'a*)." Ibn Hurmuz asked the husband about that, and he acknowledged that he had indeed intended what Mālik had understood [from his remark] – may Allah have mercy on him.



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He then mentions some of the special qualities of Madina and of the Muhājirūn and the Anṣār – may Allah be pleased with them. Then he says:

Know that the only reason I am writing this to you is to give you advice for the sake of Allah alone because of my concern for you and my good opinion of you. So consider my letter [to you] in the way it should be considered and, if you do so, you will realise that I have not spared you any good counsel.

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## SECTION 3

Some points of difference which are frequently mentioned between the proponents of the other *madhhabs* which indicate [that one should] give preference [to the *madhhab* of Imam Mālik, may Allah have mercy on him]

### 1 The purity of water

As far as purity is concerned, Mālik's *madhhab* is based on the principle that was well known and well established among the first community that one should avoid opening the door to doubt and instead exercise leeway wherever possible.

One of his best-known rules (*qawā'id*) is that substances that are normally pure are assumed initially to be pure. Thus water is assumed to be pure as long as none of its basic characteristics have been changed by something which is normally separate from it. This is based on the fact that the first generation of the Companions of the Messenger, may Allah bless him and grant him peace, would not allow themselves to declare something to be impure on the basis of a remote possibility, nor would they avoid water because it came to less than the amount of two large jars (*qullatayn*),<sup>1</sup> or because moving the water at one side [of an expanse of water] would affect that on the other side.<sup>2</sup> Rather, they would walk barefooted on the roads and in the mud caused by rain and would then go into mosques and do the prayer without washing their feet. They would also do the prayer with their sandals on, so much so that some 'ulamā' have said that it is better to do the prayer wearing sandals, in accordance with their custom, and also the words of the Prophet, may Allah bless him and grant him peace, "Why did you take off your sandals?",<sup>3</sup> as they would also do the prayer on the ground without there being anything between them and the earth. This is mentioned in *Nazm al-durr*.

I say: Today, in our time, a Muslim who is pure, by the consensus of all the Muslims, is turned away from the door of the mosque because he is

## SOME POINTS OF DIFFERENCE BETWEEN MADHHABS

barefooted, while the mosques are full of cats, their urine and faeces, and other things. People consider that banning a barefooted Muslim, who is pure by the consensus of all the Muslims, from entering the mosque is a meritorious act which they should practise, whereas in fact it is *ḥarām* by the consensus of all the Muslims. The praiseworthy first generations (*al-salaf al-ṣāliḥ*) would walk around barefooted and then go into mosques. They would not go into fine details about such points, but rather would be concerned about the details of how to control their appetites, how to be scrupulous in their eating and drinking and their sexual life, how to be honest in their dealings with other people, and how to strengthen their inner being with fear and constant awareness (*murāqaba*) of Allah, while their water-pots were in the hands of their children, womenfolk and slaves.

In the *ḥadīth* about Bi'r Buḍā'a,<sup>4</sup> as also 'Umar's comment "O owner of the watering-place, don't tell us! We come down to drink after the wild beasts and they come down to drink after us",<sup>5</sup> and other things, there is sufficient proof of the correctness of Mālik's *madhhab* and the preferability of his position.

Al-Shirimsāhī says:

For this reason, when Shaykh Abū Ḥāmid [al-Ghazālī] – may Allah have mercy upon him – speaks [in his *Iḥyā'*] about scrupulousness and avoiding innovation, he mentions the *madhhab* of al-Shāfi'ī with regard to water, and then says:

I used to wish that his *madhhab* on this point was the same as that of Mālik – may Allah be pleased with him. [...] I have no doubt that, were this a precondition, Makka and Madina would be the most difficult places in which to do *wuḍū'*, since there is neither a lot of flowing water nor still water there. Yet, from the beginning of the time of the Messenger of Allah, may Allah bless him and grant him peace, until the end of the time of the Companions, may Allah be pleased with all of them, no [such] problem regarding purity was transmitted nor was any question recorded about how to keep water free from impurity. On the contrary, their water vessels were in the hands of their children, [slave-girls] and others who would not take special care to avoid impurity, [and 'Umar, may Allah be pleased with him, did *wuḍū'* using the water-jar of a Christian woman]. This is like a clear statement by them that one should assume in the first instance that the water has remained unchanged. [If this were not the case, one would have to assume the likelihood of the impurity of both the Christian woman and her water-pot. It is thus difficult to go by this *madhhab*.]<sup>6</sup>



[Al-Ghazālī] goes on to confirm this, saying:

The lack of occurrence of any such question about this, over this substantial period of time, is a first piece of evidence, and 'Umar – may Allah be pleased with him – doing *wuḍū'* using the water in the Christian woman's water-pot is a second piece of evidence, that this was the norm. A third [piece of evidence] is that the Messenger of Allah, may Allah bless him and grant him peace, tilted a vessel of water to a cat for it to drink,<sup>7</sup> along with the fact that [the Companions] would not cover their pots in the presence of cats although they saw them eating mice, as well as other pieces of evidence.<sup>8</sup>

Mālik's *madhhab* – may Allah be pleased with him – is that water is both pure and purifying and only becomes impure by something that changes one of its three basic characteristics [of colour, taste or smell].<sup>9</sup>

## 2 Is semen pure or not?

Qadi 'Abd al-Wahhāb says [in his *Mumahhad*?]:

Semen is impure and only loses its impurity, whether it is wet or dry, by water. Abū Ḥanīfa says the same [i.e. that it is impure, whether wet or dry], except that he is guilty of inconsistency when he says that if it is wet it must be washed, but if it is dry it can be rubbed off. Al-Shāfi'ī says that it is pure, like spittle and nasal mucus.<sup>10</sup>

Our evidence is that Allah says, "[And then produced his seed from an extract] of base water (*min mā'in mahīn*)" (Q.32:8), and thus refers to semen as "base" because of its being base and despised, which is a characteristic of something that is impure.

If they should say that Allah also says, "[He was created] from water that spurts forth (*min mā'in dāfiq*)" (Q.86:6), and "[It is He who created] man from water (*mina l-mā'*)" (Q.25:54), and thus refers to semen simply as water, which, on the surface, would imply its purity, our answer is that He refers to it as "spurting forth", without calling it pure, and it is this spurted-forth water that is referred to as "base". Also, when He says "[created] man from water", it is Adam that He is referring to, because He made him from water and clay.

With regard to the Sunna, it is related that 'Ā'isha, may Allah be pleased with her, said, "I used to wash semen off the clothes of the Messenger of Allah, may Allah bless him and grant him peace."<sup>11</sup>

They say that 'Ā'isha's action does not indicate the impurity of semen, because he had not told her to do that. Our answer to this is that she would not have done that with his clothes without having had some instruction from him. Also, if the matter was as [they]<sup>12</sup> say it was, he would then have had to say to her, when he saw the wet patches on his clothing, "Why did you wash it when it was pure?" The fact that he didn't say this shows that the washing was done because of impurity, and Allah knows best. Furthermore, [a similar situation] occurred during an obligatory journey when ['Umar]<sup>13</sup> was with a number of the Companions. The time for the dawn prayer came, but he waited until the sun had nearly risen in order for his garment to be washed. 'Amr ibn al-Āṣ said to him, "It is morning now and we have other garments [with us]. Why don't you wear one of them and do the prayer [in that] until your own is washed?" He said, "If I were to do that, it would become a *sunna*."<sup>14</sup> The point of citing this as evidence is that, if semen were pure, he would have done the prayer with it on his clothing; or the Companions would have said, "Semen is pure, so why wash it off your clothing?" This shows that it is impure, for if it were not, he would not have washed it off his clothing but would have done the prayer at the beginning of the time, which is a *sunna* in both our view and yours.

From the point of view of analogy, it is a liquid which comes out of the urinal tract and is [therefore] impure, like urine; or [one can say that] it is a liquid which comes out of the orifice of defilement (*makhraj al-ḥadath*) and is the result of sexual pleasure, and must therefore be impure, like *madhy* (prostatic fluid); or [one can say that] it is a liquid which comes out of the orifice of defilement and causes maturity [and therefore the need for *ghusl*], and must therefore be impure, like urine.

From the point of view of deductive logic (*istidlāl*), it is a liquid which flows where impure substances flow and so, even if it were pure, it would necessarily become impure.

Some argue [that semen is pure] using 'Ā'isha's statement that "I used to rub semen off the clothing of the Messenger of Allah, may Allah bless him and grant him peace, and he would then go out to do the prayer."<sup>15</sup> Our answer is that in some versions of the *ḥadīth* it says, "he would go out to do the prayer, and there would be patches<sup>16</sup> of water on his clothing",<sup>17</sup> and it is better to go by the fuller version. A second [answer] is that rubbing does not negate the possibility of washing as well, because when you wash something you necessarily have to rub it, and you can also refer to washing by using the word rubbing. It is also possible that she did this on some occasions to teach us<sup>18</sup> that removing impurity is not



actually obligatory [but only a recommended *sunna*], which is what we say.<sup>19</sup>

They also say that [semen] is pure because man was created from it, and thus it is pure, like clay.<sup>20</sup>

Our answer is that this has no bearing on the issue, because other animals, and not just humans, are created from it, and we have already mentioned that it passes through the same passage where impurities pass, even though it is produced for the purposes of reproduction.

A second [answer] is that, for a human being to be created, [semen] must necessarily become a clot of blood (*ʿalaqa*), which is impure.

If they say that such clots of blood are pure, our answer would be that [saying] this is going outside the consensus of the community, because the Muslims are agreed that this blood-clot is nourished by blood, which is impure, until it becomes a lump of flesh (*mudgha*), and in this way [what began as a] drop of sperm continues to be nourished until [the child] is born. Nor is it correct to equate ourselves with Adam, because we have not been created in the same way that he was, because he, peace be upon him, did not begin his existence in a womb, and so it is permissible that what he was created from was pure.

They also say that it is something that comes out of a pure, living being, from which the same as it is created, and so it, too, must be pure, like eggs.

Our answer is that the sperm from which a child is created cannot be judged to be either pure or impure because it is not yet separate [from the body], whereas what we are talking about is whether sperm that gets on to on a garment or suchlike, and thus from which no child will come, is pure or impure.

If they should say that it is nevertheless still the same type of substance as that from which children come, we would say that we do not accept that it is necessarily the same type of substance, because it is not yet separate [from the body] and a child may or may not be created from it, which is not the case with that which is separate [from the body]. And even if we did accept that it was the same type of substance, that would not affect our position, because it is possible for a thing to be pure in itself and yet to have derived from something impure, such as milk, which derives from blood. Indeed, it has been said that [what becomes milk] is blood for as long as the child remains in the womb, deriving nourishment from it, but that when the baby is born, it becomes white and turns into milk so that the newborn baby will not dislike it. It is also perfectly possible for something to be pure and then turn into

something impure, such as food and water in the stomach of a person. Also, eggs come from things whose meat can be eaten, whereas this is not the case with sperm, which comes out of an orifice of a being whose meat cannot be eaten, and thus is like urine.

They also say that humans are pure, and thus what comes out of them is pure, to which our answer is that it is included with all the other things that come out of them, which include urine, faeces and other things.

### 3 The purity of dogs

Qadi ʿAbd al-Wahhāb says in his *Mumahhad*:

In our view dogs are pure in themselves. This is also the view of al-Zubayrī, al-Awzāʿī and al-Thawrī; it is also related from al-Thawrī that one can do *wuḍūʾ* with water that a dog has licked, which is also the view of Dāwūd.<sup>21</sup> Abū Ḥanīfa, al-Shāfiʿī and Aḥmad say that dogs are impure, what they lick is impure, and a vessel that has been licked by a dog should be washed because of its impurity.<sup>22</sup>

Our evidence is that Allah says, “And [what is caught by] those hunting animals which you have taught, training them to hunt (*wa-mā ʿallamtum mina l-jawārihi mukallibīn*)” (Q.5:4).<sup>23</sup> The point of this evidence is that it is permissible to teach such animals and to gain benefit from them by using them for hunting and eating what they have hunted, and dogs are among such “hunting animals”. It is also established in the Sharīʿa that what is pure is permitted for us to use, if we are able, and it is clear that [dogs] can be used without there having to be any state of necessity. This is also indicated by Allah’s words “He is the one who created everything on the earth for you” (Q.2:28), which is mentioned by Allah as an act of generosity on His part and thus indicates the purity [of dogs], since it is not possible for an act of generosity to relate to something impure, since the point of the act of generosity is that the thing can be used, whereas we have been ordered to leave impure things alone and avoid them, and it is *ḥarām* for us to use them, which is contrary to the idea of generosity.

With regard to the Sunna, it is related that the Prophet, may Allah bless him and grant him peace, said to ʿAdī ibn Ḥātim, “If you send out a trained dog of yours on some game and it kills it, [you may] eat what it catches for you.”<sup>24</sup> The Prophet thus permitted people to acquire and use dogs and to eat what they catch, as he also permitted the same with regard to game caught by hawks, falcons and other predatory creatures.



Similarly, the Prophet, may Allah bless him and grant him peace, said, "If anyone acquires a dog for anything other than agriculture, hunting, or livestock . . .",<sup>25</sup> and thus permitted dogs to be acquired for hunting in the same way that he permitted hunting using other predatory animals.

With regard to consensus, all are agreed that, if a dog kills some game and digs its teeth into it, it is permitted to eat it. No one has ever recorded from anyone [the view] that it should be washed when it is caught; and, even if it were to be washed, that would not affect what had got inside the meat. So, as it is correct to eat what has been hunted in this way, it is clear that it is pure, even though the dog's saliva has become mixed in with the meat.

The Prophet, may Allah bless him and grant him peace, was once asked about the pools between Makka and Madina which dogs and wild beasts (*sibā'*, i.e. predatory animals) would drink from. He said, "For them is whatever they have drunk in their bellies, and for us is whatever is left, pure and fit for drinking."<sup>26</sup> [It is also recorded that] he, may Allah bless him and grant him peace, once went down to a watering-place with Abū Bakr and 'Umar, and someone said to him, "Wild beasts and dogs drink from it". He said, may Allah bless him and grant him peace, "For them is whatever they have drunk, and for you is whatever they have left, pure and fit for drinking."<sup>27</sup>

This indicates the purity of dogs, and if the judgement were any different the Prophet, may Allah bless him and grant him peace, would have made it clear, because it might have been by a big pool in which there was only a little water. There is also the *ḥadīth* in which 'Umar says, "O owner of the watering-place, don't tell us! We come down to drink after the wild beasts and they come down to drink after us",<sup>28</sup> in which he makes no distinction between different types of wild beast, among which dogs are included.

In terms of analogy, [we say that] they are animals whose use is permitted by the Shari'a, and so are pure, like other animals. The same line of argument does not apply to pigs, because, in our view, pigs are pure, because they are a type of living creature and so are pure, like other living creatures.

Our proof of the correctness of this [understanding of the] underlying cause (*'illa*) [of this judgement] is that the judgement [i.e. purity] exists as long as the cause [i.e. life] exists, but does not exist when the cause does not exist. Do you not see that a sheep is pure while alive, but, when life leaves it, the judgement that it is pure also leaves it? If, however, it has been correctly slaughtered, it becomes pure by that slaughter: the purity due to its being alive leaves it and is replaced by [the purity that results from] its having

been correctly slaughtered. If, however, it loses its life by some other means, it becomes impure. This is so because there is nothing here which contradicts the usual situation that it can be used because of its essential purity. The same is true of dogs: while they are alive, they are judged to be pure because of the presence of life in them; but if life leaves them, and the purity of life is not replaced by any other type of purity, they become impure. And even if we were to accept their view that slaughter has no effect whatsoever on [the purity or impurity of an animal], as with pigs, that would not affect our argument in any way, because it is not a necessary precondition of an underlying cause that it be replaced by what negates the judgement associated with that cause: rather, this is a principle on which there is general agreement (*fa-innamā dhālika 'alā sabīli mā yattaḥiqqu fī l-uṣūl*).<sup>29</sup>

An example that clarifies that the underlying cause (*'illa*) of a judgement can be replaced by another is [the case of] a woman with whom it is *ḥarām* [for a man] to have sexual intercourse because of the lack of any marriage contract [between them]. If he should make a contract of marriage with her while she is menstruating, it would be *ḥarām* for him to have intercourse with her because she is menstruating. Similarly, if her menstruation were to cease while she was in *iḥrām*, it would be *ḥarām* for him to have intercourse with her because of her being in *iḥrām*,<sup>30</sup> which is a different underlying cause which has replaced the first. Similarly, if she were to come out of *iḥrām* but be fasting, it would not be permissible for him to have intercourse with her, because she is fasting. In this way one can see that underlying causes (*'ilal*) may cease and either be replaced by others or not.

They also say that the underlying logic (*ma'nā*) behind this [judgement] is that vessels are not washed if any other animal licks them, and that therefore these other animals are pure, whereas this is not the case with dogs, which are therefore impure.

Our answer [to this] is that the underlying cause (*'illa*) assumed by this logic is shown to be invalid by wild beasts, because some Shāfi'is say that vessels should be washed if wild beasts lick them, and wild beasts are not impure. A second answer is that washing a vessel more than once does not indicate impurity: the same is true with the limbs of a human being, which are washed more than once [during *wuḍū'*] without them being impure.

They also say that the underlying logic (*ma'nā*) behind sheep [being pure] is that their meat can be eaten and so they, too, are pure, and that this does not apply to the case in hand.

Our answer [to this] is that this is invalidated by human beings, who cannot be eaten and yet are pure. The same applies to cats. If



we consider the case of hawks, falcons and suchlike, [the analogy] is even more appropriate, because [dogs] are animals with fangs, and so are pure, like hawks and falcons. They are also animals that frequent human habitation, like cats; and, since they frequent the tents and houses of the Arabs, then, like cats, they too are pure.

The proof that washing a vessel that a dog has licked is purely an act of worship (*ta'abbud*) is the fact that a specific number of times has been mentioned, which must therefore indicate *ta'abbud*, as with the prayer.

They also use as an argument [the *ḥadīth*] that has been related that the Messenger of Allah, may Allah bless him and grant him peace, made dogs *ḥarām* as well as the price paid for them,<sup>31</sup> in the same way that he made wine *ḥarām* as well as the price paid for it,<sup>32</sup> and, as he told us they are forbidden, they must be considered forbidden in every respect.

The answer to this is two-fold. Firstly, it is not the dogs themselves that have been made *ḥarām*, since things in themselves cannot be *ḥarām*. Rather, it is our actions with regard to them that have been made *ḥarām*. This is because Allah says, "Carion is *ḥarām* for you" (Q.5:4), [where what is meant is that it is forbidden to eat it. This is similar to where Allah says, "Your mothers are *ḥarām* for you" (Q.4:23)],<sup>33</sup> where what is meant is that it is forbidden to marry them. If, then, the meaning is that it is our actions with regard to dogs that have been made *ḥarām*, then this a general judgement to which we have been permitted [certain exceptions, such as] acquiring dogs for hunting and for looking after crops and livestock. It does not, therefore, indicate that dogs are impure, because it is not permitted to make use of something that is impure except in cases of necessity, as is the case with urine. [Furthermore], the price paid for a dog is disliked in our opinion [rather than *ḥarām*], because of the *ḥadīth*; and even if it were the case that it is *ḥarām* it would not indicate that dogs are impure. Do you not see that it is not permitted to sell an *umm walad*, although she is pure? If [dogs] were *ḥarām* [in themselves], like carion and blood, it would not be permissible to include them in bequests or to divide them up among inheritors or to acquire them. It is therefore clear that they are not in the same category as impure substances.

They also say that it is related that the Prophet, may Allah bless him and grant him peace, said, "To purify any vessel of yours that a dog has licked you should wash it seven times, one of which should be with earth"<sup>34</sup> and that he also ordered the contents of the vessel the dog had licked to be thrown away.<sup>35</sup> This could have been

milk or honey, and if it were not impure he would not have ordered it to be thrown away, because that would have been a waste of wealth, which is prohibited.

Our answer [to this] is that the command to wash a vessel that has been licked does not indicate its impurity. Rather, it only shows that this is something that people are naturally averse to, just as, if someone spits in some water, people will naturally be averse to it and it is permitted to throw it away. This command is [thus] on the level of avoidance (*tanzīh*), because dogs do not avoid eating impurities and unclean things (*aqdhār*), and avoiding unclean things is recommended. Thus throwing [the contents] away is not obligatory in our view, nor is washing the vessel obligatory, but only recommended.

Another answer is that the Prophet, may Allah bless him and grant him peace, [may have] told [people] to do this by way of putting pressure on them [with regard to an earlier prohibition], since he had told them not to [keep dogs] but they had not stopped doing so, his reason being that [dogs] would frighten guests and passers-by. As they had not stopped, he put further pressure on them [by commanding them to throw away whatever a dog had licked], because of the small amount of water they had, especially in the desert, rather than because [dogs] are impure.<sup>36</sup>

What also indicates this is the fact that a specific number of washings is mentioned, followed by earth, which does not apply to other impurities which are more serious than something a dog has licked, since it is agreed that urine and faeces are more serious in their impurity than the saliva of a dog, about whose impurity there is dispute. Since both a specific number of washings and the use of earth are part of the purifying process, this shows that this is an act of worship (*ta'abbud*), because the number of washings is fixed as an act of worship and not because of impurity, as is the case with *wuḍū'*.

As for when they say that there might have been either milk or honey in the vessel, and that [throwing it away] would have been a waste of wealth, the answer is that this report is about water, and on the level of recommendation, and water too normally has some value. If it were honey or cooked food, then, in our opinion, all of it would be edible and should not be thrown away, and the vessel should be washed. This is indicated by what 'Ā'isha – may Allah be pleased with her – said, when she was asked about a pot which a dog had licked: "The gravy can be eaten and the pot should be washed seven times." She mentioned this judgement in the presence of the Companions and none of them objected to what she said. [Similarly], Mālik used to consider it a serious matter to go to any



of Allah's provision and throw it away because a dog had licked it; and he used to consider dogs to be part of the household.<sup>37</sup>

They also say that if someone were to kill a dog, he would not have to recompense the owner for its value, but this is not correct. In our opinion, he would have to recompense the owner for its value, and anyone who stole one could have his hand cut off [for it]. Nor does it indicate that dogs are impure.

They also say that *ta'abbud* does not apply to vessels.

Our answer [to this] is that *ta'abbud* applies to us in our use of vessels, just as it applies to us with regard to washing the dead, and also to washing impurities off our clothing and bodies, and so the same applies here too.

They also say that [the contents of a vessel that has been licked] are a liquid which the Law has told us to throw away.

Even if we were to accept this argument, it would not harm our case, because one can be commanded to throw something away without it being impure. Do you not see that, in your opinion, we are ordered to remove sperm [although you do not consider it impure] and that he said, "Remove it from you, even if with a piece of *idhkhir*"?<sup>38</sup> This is not, in your opinion, because it is impure. Therefore what they say is not correct, and Allah knows best. Furthermore, although all are agreed that wine is impure, this is not the case with dogs.

They also say that another indication that dogs are impure is the report that has been related that the Prophet, may Allah bless him and grant him peace, was once invited to someone's house and he asked, "Is there a dog in it?" He was then invited to someone else's house and someone said, "There is a cat in it." He said, "Cats are not impure."<sup>39</sup> This indicates that cats are not impure, but dogs are.

Our answer [to this] is that there is no evidence [for this] in this report, because if he had refused to go into the house because of impurity, this underlying cause (*'illa*) would then have to apply to every place where there was impurity, and it would necessitate him never entering a house in which there was blood, or urine, or faeces, or any other impurity of a more serious nature. Since the evidence shows that he, may Allah bless him and grant him peace, did go into houses where there was impurity, it shows that what they have said is incorrect. Rather, he did that, may Allah bless him and grant him peace, because dogs should be kept away [from close proximity to houses], whereas the same is not true for cats. [This is] because the word *najis* ("impure") means, linguistically, something that one keeps away from and, if dogs were impure, he would not have allowed people to acquire them, since that would be

a contradiction in terms, and the Messenger does not contradict himself.

In this way it is clear that all of [the above commands] are by way of avoidance (*tanzīh*) rather than absolute prohibition (*tahrīm*), and Allah knows best.

Here ends our quotation, in an abridged form, from Qadi 'Abd al-Wahhāb's *Mumahhad*.

### *An anecdote concerning a certain Shāfi'ī*

It happened that I once said to a Shāfi'ī 'ālim and qādī, who knew the *Minhāj* by heart and considered himself to be more learned than Shaykh Sirāj al-Dīn al-Bulqīnī – may Allah have mercy on him – "O Qadi, buy that melon!" – referring to a melon which had been broken open and was lying on the ground by the door of the Ṣālihiyya Madrasa.

He said, "I seek refuge in Allah!"

I said, "Why?"

He said, "Because it has become impure. Its water has got on to the marble floor, the marble floor is impure because of the dogs that pass over it, and the melon has become impure because of its impure water."

I said, "Even if we accept this reasoning, it is only the skin that has become impure, and it is not the skin that you eat. Rather, you eat the inside and throw away the skin."

He said, "If I were to touch the skin, my hand would become impure, and if I were then to touch my beard, it would become impure and I would have to wash it seven times, and then an eighth time with earth."

I said to him, "On what basis do you say this? Does the impurity travel from a dry dog, which everyone agrees is not impure and on whose back it is, in your opinion, permissible to do *tayammum* – nor is it certain that it has trodden on the dry paving on which the juice of the melon, which is pure, has fallen – and then to the dry paving, which everyone agrees is not impure; and then from the stone [of the paving] to the melon juice, which everyone agrees is pure; and then to the skin of the melon, which everyone agrees is pure; and then to your hand, which everyone agrees is pure; and then to your beard, which becomes impure?"

He said, "Yes, and I hold this to be the *madhhab* of Imam al-Shāfi'ī, may Allah be pleased with him."

I said, "No. By the One other than whom there is no god, Imam Muḥammad ibn Idrīs al-Shāfi'ī would never have said this, and you are lying about him and his *madhhab*."

I then told him how our shaykh, Abū l-Baqā' Ṣāliḥ al-Zawāwī – may Allah give [us] benefit by him – had told me that one of the ṣāliḥ shaykhs of the Maghrib had seen Imam al-Shāfi'ī – may Allah be pleased with him



– in a dream while he was in Jerusalem. He said to him, “Where are you going, Imam?” [Al-Shāfi‘ī] said, “To the Mosque of the Maghribis, so I can do the prayer there.” He said to him, “Why has your face changed colour?” [Al-Shāfi‘ī] said, “Because of the lies these people tell about me.” He was angry at what I said, and behaved badly towards me.

Ibn al-Munayyir mentions a very problematic matter that he put to [the Shāfi‘īs], which is that, in their opinion, if a dog bites into some game with its teeth and kills it, [the game] does not become impure, despite the fact that in their opinion [the dog’s saliva] is a serious impurity (*najasa mughallaḏa*), that its saliva gets mixed in with the meat, and that if something is slaughtered with a knife that has impure water on it, it is considered impure and not to be eaten.

I have seen [that it says] in [al-Nawawī’s] *Minhāj*: “Whatever becomes impure by being in contact with any [wet] part of a dog (*bi-shay’ raṭīb min kalb*) should be washed seven times and then an eighth time with earth.”<sup>40</sup>

It is because of this strictness on the matter that the general public and ignorant people in Egypt punish dogs and think that punishing them is a religious act which has merit in it with Allah, even though such actions are not permissible by the consensus of all the Muslims.

Compare – may Allah have mercy on you – how they derive this judgement, by analogy, from the above-mentioned *ḥadīth* of the Prophet, may Allah bless him and grant him peace, about purifying a vessel that a dog has drunk from, with Mālik’s words, may Allah have mercy on him, “This *ḥadīth* has been recorded but I do not know what its real meaning is.”<sup>41</sup> This is because he considers dogs to be the same as other predatory animals, as well as being household animals, like cats, not to mention the potentially great benefits in them which we have already mentioned.

#### *The praiseworthy characteristics of dogs*

It is related that al-Ḥasan al-Baṣrī – may Allah have mercy on him – said: There are ten praiseworthy characteristics in dogs which should be present in every *faqīr*:

- 1 They are always hungry, which is part of the manners of the *ṣāliḥīn*.
- 2 They have no place by which they are known, which is one of the signs of those who put their reliance in Allah.
- 3 They only sleep a little at night, which is one of the characteristics of the people of excellence.
- 4 When they die, they leave no inheritance, which is part of the character of those who do without.
- 5 They do not spurn their fellows, even if they have been treated badly and shooed away, which is one of the qualities of those who seek Allah.

- 6 They are content with just a little of this world, which is one of the signs of the humble.
- 7 If they have to leave the place where they are, they do so and move to somewhere else, which is one of the signs of the contented.
- 8 If they are shooed away and then called back, they respond to the call, which is one of the qualities of those who fear Allah.
- 9 If any food is put down, they stand looking at it from a distance, which is one of the qualities of the destitute.
- 10 If they leave the place where they are, they take nothing with them, which is one of the signs of the people of divestment.<sup>42</sup>

Because Mālik – may Allah have mercy on him – considers dogs to be predatory animals, like cats, lions, wolves and other such animals, he considers the *ḥadīth* to refer only to the specific situation mentioned in it, namely, a vessel which has water in it, and not to any other type of food or drink, and he understands the command to be one of recommendation only. This is the most appropriate [understanding of the *ḥadīth*], for the reasons we have mentioned above. It is also an indication of Allah’s generosity, and His desire for ease for this community.

The same applies to Mālik’s position (*madhhab*) with regard to everything else, so much so that Shaykh Sirāj al-Dīn al-Bulqīnī and others said, “Praise be to Allah for the *madhhab* of Mālik!”, because of the ease and lack of blame for people that they saw in it. Praise be to Allah!

#### **4 Fasting being broken by something getting into the body**

It also says in the *Minhāj*, in the chapter on fasting, that a person’s fast is broken by anything that gets into what can be called the interior of the body, so that if a piece of wood gets into the ear, nose, mouth or vagina, it breaks that person’s fast; whereas antimony in the eye does not break the fast, even if its taste reaches the throat.<sup>43</sup> It will be clear that the first makes things difficult for people, while the second is far from hitting the mark.

#### **5 Wiping the head when doing *wuḏū’***

Qadi ‘Iyāḏ reports that Muḥammad ibn ‘Abd al-Ḥakam said:

I asked al-Shāfi‘ī, “On what basis do you say that it is acceptable for someone to wipe only part of his head when doing *wuḏū’* and leave the rest?”

He said, “Because of the extra *bi-* in Allah’s words *wa-msaḥū bi-ru’ūsikum* (roughly: ‘Wipe over your heads’) (Q.5:6), rather than Him [simply] saying *wa-msaḥū ru’ūsakum* (roughly: ‘Wipe your heads’).”



I said to him, "What would you say if someone was doing *tayammum* and only wiped over part of his face and left the rest?"

He said, "It would not be acceptable."

I said, "Why then does Allah say *fa-mṣahū bi-wujūhikum wa-aydīkum minhu* ('So wipe over your faces and hands with it') (Q.5:6)?"

He was silent, and couldn't answer.

Qadi 'Abd al-Wahhāb says in his *Mumahhad*: "Not one of the people of knowledge of the Arabic language has said that [the preposition] *bi-* in the speech of the Arabs is used to indicate only part of a thing."

I say: This view has in fact been transmitted by [at least] one later scholar from others, for Abū Ḥayyān transmits it from the Kufans and al-Fāriḥ. However, this is not confirmed by the experts, and the people of knowledge of the Arabic language consider this use of the *bā'* to be weak.

Sībawayhi says that the *bi-* in Allah's words *wa-mṣahū bi-ru'ūsikum* is like the *bi-* when someone says *tazawwajtu bi-l-mar'a* ("I married the woman"). This is a clear statement from him that the *bā'* in the *āya* does not indicate only part of a thing, because marriage is never with only part of a woman.

I say: The overt meaning of Imam al-Shāfi'ī's words – may Allah have mercy on him – "because of the extra *bi-*" is that the *bi-* does not indicate simply part of a thing, because if it is judged that a preposition is "extra" then it has no independent meaning and it would be the same whether it was there or not. So if we consider the *bi-* to be extra, then we are saying that it is obligatory to wipe all of the head, and Allah knows best.

As for the Sunna, Mālik relates that the Prophet, may Allah bless him and grant him peace, wiped his head with his hands, moving them backwards and then forwards again.<sup>44</sup>

## 6 Repeating the *takbīr* in the *adhān*

Qadi 'Abd al-Wahhāb says [in his *Mumahhad*]:

Mālik says that the phrase *Allāhu akbar* ("Allah is greater") should be said twice at the beginning of the *adhān*, whereas Abū Ḥanīfa and al-Shāfi'ī say it should be said four times.

The evidence for our view is Ibn Jurayj's report that more than one person told him that the Prophet, may Allah bless him and grant him peace, taught Abū Maḥdhūra the *adhān*, [saying] *Allāhu akbaru llāhu akbar* twice, *ashhadu an lā ilāha illā llāh*... etc.<sup>45</sup> 'Aṭā' said, "The way the *adhān* is called today is [not any] different to the way people used to call it in the past." 'Ammār ibn Sa'd al-Qaraz<sup>47</sup> relates from his father that this *adhān* [i.e. with

two initial *takbīrs*] is the *adhān* that the Prophet, may Allah bless him and grant him peace, told Bilāl to call.<sup>48</sup>

Mālik ibn Dīnār relates: "I asked Ibn Abī Maḥdhūra, 'How did your father use to call the *adhān*?' He said, 'My father told me, on the authority of the Messenger of Allah, may Allah bless him and grant him peace, [that one] only [says] *Allāhu akbaru llāhu akbar*.'"<sup>49</sup>

This is the practice (*'amal*) of the people of Madina which they transmitted in a *mutawātir* way from generation from generation. This defeats any argument, and counters any judgement that the phrase should be said more than twice, because their practice is given preference over their reports, because this is something which would have been repeated five times throughout the course of every day and night. So, when we find them transmitting something and acting according to it, and when such a judgement would not be the result of any analogy, then we know that this is the correct way [of doing things] which they learned directly from the Messenger of Allah, may Allah bless him and grant him peace. It is thus obligatory to accept their view, as did those who held a different view with regard to the size of their *mudd* and *ṣā'* and other things, because it is impossible for such a matter to have remained hidden from them while other people in other places knew about it, especially given that this [was something that] would have been repeated five times throughout the course of every day and night.

They also argue that Makḥūl relates, from [ʿAbdallāh ibn Muḥayrīz],<sup>50</sup> that Abū Maḥdhūra told him that the Prophet, may Allah bless him and grant him peace, taught him that the *adhān* consists of nineteen phrases, while the *iqāma* consists of seventeen, with the *adhān* beginning with the phrase *Allāhu akbar* repeated four times.<sup>51</sup>

Our answer is that this was an instance of repetition for the sake of teaching. It is also possible that this was about the *adhān* of the *ṣubḥ* prayer, which includes the phrase *al-ṣalātu khayrun min al-nawm* twice, and which thus, in our view, comes to nineteen phrases altogether.

A second answer is that this is an isolated report (*khābar wāḥid*), and we have already explained that the *'amal* of Madina is given preference to isolated reports and is more reliable than them. And Allah knows best.

Here ends the quotation, in an abridged form, from the *Mumahhad*.

It is related that a man from Iraq once asked Mālik whether the *ḥadīth* that mentions saying the *takbīr* four times is authentic or not. He said,



"Yes". The man then said, "Then why don't you go by it?" Mālik replied, "I do not know about the *adhān* of a day or a night. Here is the mosque of the Messenger of Allah, may Allah bless him and grant him peace, where the *adhān* has been called from his time until now, five times a day, and there is no record of any of the Companions or Successors expressing any objection to this [way of calling the] *adhān*."<sup>52</sup>

## 7 Should the *basmala* be recited when doing the prayer?

The following point is to do with the prayer. Qadi 'Abd al-Wahhāb says in his *Mumahhad*:

In our view, the phrase *bi-smi llāhi l-raḥmāni l-raḥīm* should not be recited during any obligatory prayer, either silently or out loud. Al-Shāfi'ī, however, says that it is an *āya* of the *Fātiḥa* [i.e. Q.1] although there are differing views recorded from him regarding every other *sūra*.<sup>53</sup>

Our evidence is, firstly, that if [the *basmala*] were an *āya* of the *Fātiḥa*, the Messenger of Allah, may Allah bless him and grant him peace, would have made that perfectly clear, as was his custom with clarifying what was Qur'an. If he had done that, there would be no excuse for taking any other position, nor would there be any difference of opinion, as is the case with every other *āya*. Since he did not make this point clear, we know that it is not part of [the *Fātiḥa*].

The second point is that the way one establishes that an *āya* is part of a *sūra* is the same as the way one establishes the *sūra* itself. If [the *basmala*] were an *āya* of [the *Fātiḥa*], this would have been known in the same way, through transmission which leaves no excuse for any other position and gives certain knowledge. Do you not see that there is no dispute about whether the Prophet, may Allah bless him and grant him peace, recited *al-ḥamdu li-llāhi rabbi l-ālamīn*, nor is there any dispute about whether he recited the *Fātiḥa*? Everyone agrees on these two points. They disagree, however, with regard to the *basmala*, with some saying that he read it as part of the *Fātiḥa* and others saying that he did not do so. Since we have no definitive knowledge about this point, we know that [the *basmala*] is not part of [the *Fātiḥa*]. Do you not see how, since the method of establishing the prayers of *zuhr* and *ʿaṣr* is the same, there is no dispute about them and everyone agrees about these two prayers? Similarly, the Qur'an can only be established in one of two ways: by certain knowledge that leaves no excuse for any other position, or by inimitability, and neither of these apply to *bi-smi llāhi l-raḥmāni l-raḥīm*. Do you not see that, because it was revealed

as part of *Sūrat al-Naml* [i.e. Q.27] and since all *āyas* are inimitable, there is certain knowledge about its status [in that *sūra*], and that its transmission is of the same level as that of the *āya* after it and the *āya* before it?

If they should say that the difference of opinion about whether or not it is part of the *Fātiḥa* does not prove that it is not, and that Ibn Mas'ūd held that the *Mu'awwidhatayn* [i.e. Q.113 and 114] were not part of the Qur'an, our answer would be that Ibn Mas'ūd did not transmit that the Prophet, may Allah bless him and grant him peace, never recited the *Mu'awwidhatayn*, whereas most of those who prayed behind the Prophet, may Allah bless him and grant him peace, said that he did not recite *bi-smi llāhi l-raḥmāni l-raḥīm*, which was also true of Abū Bakr, 'Umar, 'Uthmān and 'Alī – may Allah be pleased with all of them – according to what Anas and 'Abdallāh ibn al-Mughaffal relate from them. No one, however, has said that the Prophet, may Allah bless him and grant him peace, did not recite the *Mu'awwidhatayn*.

A second answer would be that we have certain knowledge that the *Mu'awwidhatayn* are part of the Qur'an in two ways, the first being *mutawātir* transmission, and the second, inimitability, which is not the case with the *basmala*.

With regard to the reports [on the subject], it is related that Anas said, "I did the prayer behind the Messenger of Allah, may Allah bless him and grant him peace, and also behind Abū Bakr, 'Umar, 'Uthmān and 'Alī, and all of them would begin their recitation with *al-ḥamdu li-llāhi rabbi l-ālamīn*."<sup>54</sup> If it had been an *āya* [of the *Fātiḥa*], this would have been known and transmitted in the same way that every other *āya* and *sūra* has been transmitted.

'Ā'isha – may Allah be pleased with her – relates that the Messenger of Allah, may Allah bless him and grant him peace, used to begin the prayer by saying *Allāhu akbar* and then reciting *al-ḥamdu li-llāhi rabbi l-ālamīn*.<sup>55</sup>

It is also related that the Prophet, may Allah bless him and grant him peace, said to Ubayy ibn Ka'b, "How do you begin the prayer?" He said, "I say *Allāhu akbar* [and then] *al-ḥamdu li-llāhi rabbi l-ālamīn*, until I get to the end [of the *Fātiḥa*]."<sup>56</sup>

In none of these is the *basmala* mentioned.

It is also related that Anas ibn Mālik said, "I did the prayer behind Abū Bakr, 'Umar, 'Uthmān and 'Alī, and they did not recite *bi-smi llāhi l-raḥmāni l-raḥīm*."<sup>57</sup>

It is also related that 'Abdallāh ibn Mughaffal said to his son, when he heard him reciting the *basmala* in the prayer, "My son, be careful about introducing anything new into Islam. I did the



prayer behind the Messenger of Allah, *ṣallā-llāhu 'alayhi wa-sallam*, Abū Bakr, 'Umar and 'Uthmān, and none of them recited it."<sup>58</sup>

If they should say that he only forbade him from saying out loud what should be said silently, our answer is that this is incorrect, because he specifically said that they would not recite it, which is a denial that it was recited either silently or out loud; and also because he said what he said in order to clarify the matter and to object to what his son was doing and to teach him what he knew about the matter.

There is also the report from Abū Hurayra that the Prophet, may Allah bless him and grant him peace, said: "Allah says, 'I have divided the prayer between Me and My slave into two halves. One of them is for Me and the other is for My slave, and My slave shall have what he asks for.' When the slave says, 'Praise is for Allah, the Lord of the worlds (*al-ḥamdu li-llāhi rabbi l-'ālamīn*)', Allah says, 'My slave has praised Me.' When he says, 'The Compassionate, the Merciful (*al-raḥmāni l-raḥīm*)', Allah says, 'My slave has lauded Me.' When he says, 'King of the Day of Judgement (*maliki yawmi l-dīn*)', Allah says, 'My slave has glorified Me.' When he says, 'It is you we worship and You we ask for help (*īyyāka na'budu wa-īyyāka nasta'īn*)', Allah says, 'This is between Me and My slave'. When he says, 'Guide us to the straight path (*ihdī-nā l-ṣirāṭa l-mustaqīm*) . . .' to the end of the *sūra*, Allah says, 'This is for My slave, and My slave shall have what he asks for.'"<sup>59</sup>

This contains two pieces of evidence. The first is that [the Prophet], may Allah bless him and grant him peace, mentioned the beginning of the *sūra* as being *al-ḥamdu [li-llāhi]* and treated that as the beginning without mentioning *bi-smi llāhi l-raḥmāni l-raḥīm*. The second is that he divided it into two parts, with each division consisting of three *āyas*. All are agreed that the *sūra* consists of seven *āyas*, and, if the *basmala* were part of the *sūra*, the two divisions would no longer be equal.

Qadi [ʿAbd al-Wahhāb] then mentions the evidence they produce by way of *akhbār al-āḥād* and *qiyās* (analogy) and replies to each of their arguments in turn. In summary, [his argument is that] the Qur'an cannot be established either by *akhbār al-āḥād* or by *qiyās*. For more on this, you should refer to his *Mumahhad* – may Allah have mercy on him.

He also mentions their argument that when Zayd was told by Abū Bakr – may Allah be pleased with him – to collect the Qur'an, [the *basmala*] was written at the beginning of the *Fātiḥa* in the same script, with the same pen, in the presence of the Companions, and that, if it were not part of the *sūra*, they would not have done this and would not have agreed on it.

The answer to this will be provided, God willing, by the words of al-Māzarī, in whose work I found the same argument as that of Qadi ʿAbd al-Wahhāb which I have just mentioned here, and which I will mention in further detail shortly.

He also mentions their argument using the *ḥadīth* of Umm Salama, to the effect that [the Prophet], may Allah bless him and grant him peace, recited it and counted [its verses] with his fingers, beginning with the *basmala*.<sup>60</sup> [He then says:]

Our answer is that this does not prove that it is part of [the Qur'an]. Do you not see how he would also begin the prayer by saying "*Wajjahtu wajhiya li-lladhī faṭara l-samāwāti wa-l-arḍa* (I have turned my face in the direction of He who created the heavens and the earth) . . ." [i.e. reciting the same words as in Q.6:79], as mentioned in various *ḥadīths*,<sup>61</sup> although this is not [considered to be] Qur'an?

A further answer is that [the aforementioned *ḥadīth*] is related via ʿAbd al-Ḥamīd ibn Jaʿfar, who was a Qadarī, and the transmissions of such people should not be given serious consideration.

Even if we do consider these *ḥadīths* to be authentic, they are only *akhbār āḥād* (transmissions of single narrators), and the Qur'an cannot be established by the transmissions of single narrators, but only by what results in definitive knowledge, i.e. *tawātur*, and Allah knows best.

Here ends the quotation, in an abridged form, from the *Mumahhad* of Qadi ʿAbd al-Wahhāb, may Allah have mercy on him.

I will also mention here what Imam al-Māzarī says about this matter, because it includes a number of important and relevant points. He says – may Allah have mercy on him – in his *Sharḥ al-Talqīn*:

There is much that one might say about *bi-smi llāhi l-raḥmāni l-raḥīm*, but we shall aim to be concise and concentrate on the main points, indicating the secrets therein.

We say: The first thing one must do is to emphasise the importance of dissociating oneself from a [possible] objection which might cause confusion in those who have not delved deeply into the truth [of these matters]. This is that those who cast aspersions on the Law say, "The Qur'an is the miracle of the Prophet, may Allah bless him and grant him peace, and the foundation of Islam, so how can it be that the imams who are followed in the cities of the Muslims have differences of opinion as to whether the *basmala* is part of the Qur'an or not? If, according to al-Shāfi'ī, it is an *āya*, why did he not declare Mālik and Abū Ḥanifa to be *kāfir* since they disagreed with him on this matter, as he or anyone else would be



declared *kāfir* for denying that *al-ḥamdu li-llāhi rabbi l-'ālamīn* is part of the Qur'an?"

The answer is that al-Shāfi'ī did not affirm it as part of the Qur'an in the way that he affirmed the rest of the Qur'an. Rather, he affirmed it from the point of view of the judgement about reciting it, for reasons which, in his view, dictated this, and which I shall mention shortly. Establishing with definitiveness and certainty that something is part of the Qur'an, to the extent that one would declare anyone who does not accept it as a *kāfir*, can only be done by means of *mutawātir* transmission which results in necessary knowledge, not allowing of any doubt or opposition, such as *bi-smi llāhi l-raḥmāni l-raḥīm* being part of the Qur'an where it occurs in *Sūrat al-Naml*. As for establishing judgements on the strength of what only certain individuals have transmitted, such as the reading of those who recite "then he should fast for three consecutive days (*fa-ṣiyāmu thalāthati ayyāmin mutatābi'ātin*)"<sup>62</sup> with regard to the *kaffāra* for a broken oath, there is a lot of uncertainty on this point among the people of *uṣūl* (*ahl al-uṣūl*). Is it obligatory for these [days] to be done consecutively, although the reading that indicates this is only that of one person, or is it not obligatory? This is dealt with at length in the books on *uṣūl*. There is, however, a third position which does not go as far as the first, definitive, position which declares anyone who opposes it to be *kāfir*, but goes further than the second position. [This third position] is that one should act in accordance with what is presumptively true, in that one should accept what has been established, or can be considered to have been established, by transmitted reports, and, as a result, is written in copies of the Qur'an and recited in the *miḥrābs* [of mosques], acting on all of this as a judgement [of the Sharī'a], without accepting it as definitive and certain such that anyone who opposed it would be declared a *kāfir*. This is the situation that we are dealing with here.

People differ about *bi-smi llāhi l-raḥmāni l-raḥīm*. Al-Shāfi'ī considers it to be an *āya* of the *Fātiḥa*, but there are different reports from him as to whether he considers it to be part of the Qur'an where it occurs [at the beginning] of all the other *sūras*. In fact, there are no reports that any of the earliest generations established it as part of the Qur'an in any *sūra* other than the *Fātiḥa* – which is clear from how they count the individual verses [of the various *sūras*] – except for al-Shāfi'ī and Ibn al-Mubārak. Mālik, Abū Ḥanīfa and Dāwūd [al-Zāhirī] all take the view that it is not part of the Qur'an at the beginning of any *sūra* of the Qur'an, whether the *Fātiḥa* or any other *sūra*. It has also been transmitted from the companions of Abū Ḥanīfa that the *basmala* is part of the Qur'an and was revealed in order to act as a division

between the various *sūras* and for the blessing of reciting it at the beginning [of them], which is a mid-way position between these various views.

I say: This [view] is reported by al-Zarkashī from Abū Bakr al-Rāzī, a Ḥanafī, relating it [from him] via Ibn al-Sam'ānī.<sup>63</sup>

Al-Māzarī goes on to say:

There are various ideas here which seem on the surface to conflict with one another, which is the reason for this difference of opinion on the matter. The first is that the Qur'an is known with certainty because of the care and concern the Companions took in transmitting it, both because of their natural habit and because of the Sharī'a. As for their natural habit, it was normal for them to be concerned with words of eloquence and to appreciate and be affected by them and to be concerned with memorising them, and to think about them and ponder their meaning. It was for this reason that his miracle, may Allah bless him and grant him peace, was an eloquence which so overwhelmed their hearts that they yielded and submitted themselves to belief in it without any resistance.

As for the Sharī'a, the Qur'an was the source of their guidance and the fount of their legal judgements, while memorising it and reciting it was one of the most noble of their acts of worship. This being the case, it is absolutely certain that what constituted the Qur'an became widespread and well known among them and that they transmitted it to us in the same way that they transmitted other such material. Since they did not transmit to us, in the way that they transmitted everything else, [the fact that] the *basmala* is part of the Qur'an, and since this was not well known among them, in the way that all the other verses were well known, the necessary and definitive conclusion is that it is not part of the Qur'an.

This is a reliable (*mu'tamad*) argument. It is also the argument of both ourselves and al-Shāfi'ī against the additions claimed by the Shī'a and their likes with regard to the Qur'an, and our definitive response to the falsehood of what they say. It is also the main thrust of Mālik's and Abū Ḥanīfa's argument. As for the main thrust of al-Shāfi'ī's argument, it is that when he saw how the Companions were concerned to preserve the Qur'an, and that when they wrote down the Qur'an they would say, "Keep the Qur'an clear [of anything else]",<sup>64</sup> and would dislike adding any vowel points or ten-verse markers,<sup>65</sup> and that when they wrote it down they made sure not to include anything extra or leave anything out, the necessary conclusion is that whatever was included in it must be "the Qur'an", and this included *bi-smi llāhi l-raḥmāni l-raḥīm*.



Our response to this is that we never understood from them, when they handed down copies of the Qur'an to us, that the *basmala* was part of the Qur'an, contrary to what we understood from them about all the other verses [of the Qur'an]. Nor did al-Shāfi'ī understand this with regard to the beginning of every other *sūra* [apart from the *Fātiḥa*]. At this present point in time we say that the *basmala* is not part of the Qur'an where it occurs at the beginning of a *sūra*, although, at the same time, we point to the *muṣḥaf* and say "This is the Qur'an" and use this general expression without qualifying it in any way – [and this is true] both for our time and for any other. We do this, while at the same time we are aware that we deny that the *basmala* is part of the Qur'an. So, if it is correct to speak in such unqualified terms while at the same time believing that what we have just said is true, then it was just as correct for the first community to speak in such unqualified terms while also believing the same as we believe. It is also the case that in [some] old manuscripts of the Qur'an [the *basmala*] is written separately and not joined to the *sūra* itself, which is equivalent to stating that it is not part of it. Furthermore, some of the *muṣḥafs* that were sent to Basra and Kufa did not have the *basmala* in them [at all], for which reason both Abū 'Amr and Ḥamza, in their readings, leave out *bi-smi llāhi l-raḥmāni l-raḥīm* when joining between [the end of] one *sūra* and [the beginning of] another.<sup>66</sup>

The argument may be advanced that there are differences between the *maṣāḥif* with regard to [the word *huwa* in] *huwa l-ghaniyyu l-ḥamīd* in *Sūrat al-Ḥadīd* (Q.57:24),<sup>67</sup> [the word *min* in] *min taḥtīhā l-anhār* in *Sūrat al-Tawba* (Q.9:100),<sup>68</sup> and other such instances, and that therefore leaving out what is added in some *maṣāḥif* does not mean that it is not [part of the] Qur'an, and that the same applies to the *basmala* being left out in some *maṣāḥif*. Our response to this is that leaving out these words from certain *maṣāḥif* was not done out of a difference of opinion as to whether or not they are part of the Qur'an. Rather, they are part of the Qur'an, both according to the people in whose *maṣāḥif* they occur and those in whose *maṣāḥif* they do not occur, whereas the *basmala* is denied as an *āya* by those in whose *maṣāḥif* it occurs, let alone those in whose *maṣāḥif* it does not occur.

As for the *ḥadīths* about this point, they are of varied import, and each group tries to give its own interpretation to the *ḥadīths* used by the other group.

After mentioning the *ḥadīths* of each group and all their interpretations, [al-Māzarī] then says:

## SOME POINTS OF DIFFERENCE BETWEEN MADHHABS

These interpretations, even if they sometimes involve going beyond the overt meaning of the text, are not such that one is obliged to resort to them and rely on them, because, as we have already mentioned, *akhbār al-āḥād* are not relevant with regard to the point under discussion, which is why we feel it unnecessary to mention here whether these *ḥadīths* are sound or not, or to mention their various degrees [of acceptability].

Here ends the quotation, in an abridged form, from the *Sharḥ al-Talqīn* of Imam al-Māzarī, may Allah have mercy on him.

A follower of Imam al-Shāfi'ī once asked for a debate with a follower of Imam Mālik about the *basmala*. The Mālikī said to him, "We are both agreed that the Qur'an cannot be established by *akhbār al-āḥād* (single chains of authority), that it can only be established by *tawātur* (multiple chains of authority), that *tawātur* is a definitive proof, and that there can be no difference of opinion with regard to what is definitive, and yet we differ [on this point]. What evidence do you have for accepting it as part of the Qur'an?" The Shāfi'ī said, "You are opposing us out of stubbornness." The Mālikī said, "You are lying, but if you were to put it the other way round, you would be right."

Al-Zarkashī says, in his *Sharḥ Jam' al-jawāmi'*: "The Imam considered the opinion of those who say that [the *basmala*] is definitively part of the Qur'an to be weak, saying, 'This is a momentous thing for anyone to say, since it is impossible to claim knowledge [about this] when there is no definitive proof.'" Al-Zarkashī also quotes Shaykh Muḥyī l-Dīn al-Nawawī as saying that it is [not]<sup>69</sup> definitively part of the Qur'an.

One thing that some ignorant students who claim to be Shāfi'īs say is that al-Shāfi'ī gave prominence to the name of Allah and so Allah gave prominence to the name of al-Shāfi'ī, meaning by that that al-Shāfi'ī gave prominence to the *basmala* by pronouncing it out loud in the prayer.

A Ḥanafī once visited Imam al-Shāfi'ī [s tomb] and did the prayer in his presence without saying the *basmala* out loud, in accordance with his own *madhhab*. A number of ignorant Shāfi'īs there said he was wrong to do that and in general spoke badly of him and told him he had to recite it out loud. Nor were they content with him openly asking Imam al-Shāfi'ī for forgiveness, but also bared his head. He bolted the door on himself and, if he had not done that, he would have had nothing good from them, nor would he have been able to escape from them.<sup>70</sup>

I once heard a highly respected Mālikī mentioning that al-Zarkashī put [the *basmala*] into a third category. He criticised him for doing so, saying, "There is nothing equivalent to this third category in the Law, and I think al-Zarkashī is the only one who has mentioned or transmitted this view." I said to him, "Imam al-Māzarī mentions it", and I told him about his



Our response to this is that we never understood from them, when they handed down copies of the Qur'an to us, that the *basmala* was part of the Qur'an, contrary to what we understood from them about all the other verses [of the Qur'an]. Nor did al-Shāfi'ī understand this with regard to the beginning of every other *sūra* [apart from the *Fātiḥa*]. At this present point in time we say that the *basmala* is not part of the Qur'an where it occurs at the beginning of a *sūra*, although, at the same time, we point to the *muṣḥaf* and say "This is the Qur'an" and use this general expression without qualifying it in any way – [and this is true] both for our time and for any other. We do this, while at the same time we are aware that we deny that the *basmala* is part of the Qur'an. So, if it is correct to speak in such unqualified terms while at the same time believing that what we have just said is true, then it was just as correct for the first community to speak in such unqualified terms while also believing the same as we believe. It is also the case that in [some] old manuscripts of the Qur'an [the *basmala*] is written separately and not joined to the *sūra* itself, which is equivalent to stating that it is not part of it. Furthermore, some of the *muṣḥafs* that were sent to Basra and Kufa did not have the *basmala* in them [at all], for which reason both Abū 'Amr and Ḥamza, in their readings, leave out *bi-smi llāhi l-rahmāni l-rahīm* when joining between [the end of] one *sūra* and [the beginning of] another.<sup>66</sup>

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*Sharḥ al-Talqīn*, from which I have quoted above. [However,] I myself feel that there is a problem here, since the overt meaning of al-Shāfi'ī's evidence – may Allah have mercy on him – does not indicate a third category; rather, it indicates that there is no difference between *bi-smi llāhi l-raḥmāni l-raḥīm* and *al-ḥamdu li-llāhi rabbi l-ālamīn*, because they are written in the same script in the *muṣḥaf*, according to what they say, and because most of the *ḥadīths* indicate the same, namely, that *bi-smi llāhi l-raḥmāni l-raḥīm* is an *āya* of the *Fātiḥa*, at which point I do not understand where this “third category” comes from. I have mentioned this point to both parties, but have not yet heard a convincing answer about it.

It is also said that the intention behind them referring to this “third category” – and Allah knows best – is to avoid falling into the awkward situation of having to call people *kāfir*.

There is also another problem, which is that Imam al-Māzarī asks why al-Shāfi'ī did not declare Mālik and Abū Ḥanīfa to be *kāfir*, but does not also ask why the two of them did not declare [al-Shāfi'ī] to be *kāfir* on the same basis, since both adding to the Qur'an what does not belong to it and taking away from it what does not belong to it are the same in terms of the *kufr* that both necessarily entail.

The answer to both the first and the second point is the same, and has already been mentioned, and Allah knows best.

I also find it problematic that al-Māzarī should say that no one among the earlier generations other than al-Shāfi'ī and Ibn al-Mubārak said that the *basmala* is an *āya* in every *sūra*, when in fact a number of Qur'an readers and others took this view, among them Ibn Kathīr, who considers it obligatory and believes it to be part of the Qur'an between every *sūra*.<sup>71</sup> It would therefore seem that what he actually meant was that none of the great legal scholars such as Mālik, Abū Ḥanīfa, Aḥmad [ibn Ḥanbal], the two Sufyāns, al-Shāfi'ī, Dāwūd and others – may Allah be pleased with all of them – held this view.

## 8 The difference of opinion regarding recitation behind an *imām*

Qaḍī 'Abd al-Waḥḥāb – may Allah have mercy on him – says in his *Mumahḥad*:

In our view [someone praying behind an *imām*] should recite with the *imām* when the *imām* is reciting silently but not when the *imām* is reciting out loud. Abū Ḥanīfa says that he should recite with him neither when he is reciting silently nor when he is reciting out loud. Al-Shāfi'ī, according to one of two opinions of his, says that he should recite with him whatever the situation; according to the other opinion, he says the same as we say.

Our evidence is that Allah says, “When the Qur'an is recited, listen to it and be quiet” (Q.7:204). This is a command, and the initial assumption (*ẓāhir*) is that [such a command] is obligatory in an unqualified way (*muṭlaqan*). It is not possible to listen [to someone else] while you are also reciting, and Allah has linked being quiet during the recitation of the Prophet with listening to it.

If they should say that what is meant is [listening to] what is recited during the *khuṭba*, we would say that the *khuṭba* is not Qur'an, and the Creator, the Glorious and Exalted, says, “When the Qur'an is recited . . .”. What also indicates this is [the report] that the Messenger of Allah, may Allah bless him and grant him peace, was once leading the prayer with his Companions and they recited behind him. This *āya* was then revealed, at which point everybody behind him kept quiet.<sup>72</sup>

'Abd al-Raḥmān ibn Zayd ibn Aslam relates from his father that the Messenger of Allah, may Allah bless him and grant him peace, would tell people not to recite when [praying] behind an *imām*.<sup>73</sup>

Abū Hurayra relates that the Prophet, may Allah bless him and grant him peace, said, “The *imām* is appointed to be followed, so when he says ‘*Allāhu akbar*’, say ‘*Allāhu akbar*’, and when he recites the Qur'an, listen [to him].”<sup>74</sup>

Jābir ibn 'Abdallāh relates that the Messenger of Allah, may Allah bless him and grant him peace, said, “If there is any *rak'a* in which you have not recited the *Fātiḥa*, then you have not prayed it, except behind an *imām*.”<sup>75</sup> This is also evidence for not reciting when [doing the prayer] behind an *imām*.

Jābir also relates that the Messenger of Allah, may Allah bless him and grant him peace, said, “When anyone is [doing the prayer] with an *imām* (*man kāna lahu imām*), the *imām*'s recitation is his recitation.”<sup>76</sup>

If they should say that the person being referred to in the word “his” is the *imām* and not the one praying behind him, we would say that this is a clear mistake, because the word *man* (“whoever/anyone”) is an “incomplete” noun (*ism nāqis*) which is not complete without a following clause and a pronoun that refers back to it. It is not permissible for the pronoun to refer back to the *imām* in this instance because that would be like saying, “The recitation of the *imām* is the *imām*'s”, which would be pointless.

'Imrān ibn Ḥuṣayn relates that the Messenger of Allah, may Allah bless him and grant him peace, said, “Whoever is with an *imām* should not recite alongside him.”<sup>77</sup>

Mālik, may Allah be pleased with him, relates from Ibn Shihāb, from Ibn Ukayma al-Laythī, from Abū Hurayra, that the Messenger



of Allah, may Allah bless him and grant him peace, once got up after doing a prayer in which he had recited out loud and said, "Did anyone recite with me just now?" One man said, "Yes, Messenger of Allah." He said, may Allah bless him and grant him peace, "I say: Why is it that people contend with me [when I am reciting] the Qur'an?" When the people heard him say this, they stopped reciting with the Messenger of Allah, may Allah bless him and grant him peace, if he was reciting out loud in a prayer.<sup>78</sup>

Mālik also relates, from Nāfi', that Ibn 'Umar said, when asked about whether someone should recite behind an *imām*, "If someone is doing the prayer behind an *imām* then the *imām*'s recitation is enough for him. If he is doing the prayer by himself, then he should recite." He adds that 'Abdallāh [ibn 'Umar] would not recite [if he was] behind an *imām*.<sup>79</sup>

[Mālik] also relates, from Hishām ibn 'Urwa, from his father, and also from al-Qāsim ibn Muḥammad, Ibn Shihāb, Nāfi' ibn Jubayr, and a number of the Tābi'īn, that they would recite behind the *imām* when the *imām* was not reciting out loud. Mālik adds, "This is the best that I have heard [about this]."<sup>80</sup>

Qadi ['Abd al-Wahhāb] says: The *qiyās* [to apply in this situation] is that this is someone who is being led in the prayer by someone else, and so it is not obligatory for him to recite [anything], the basis for this being the situation of someone who catches the prayer when the *imām* is [already] in *rukū'*.

If they should say that this refers to someone who hasn't caught the time for recitation, whereas this situation is different, since he has caught the time for recitation, we would say that this is not correct because, if [recitation] were obligatory, it would be obligatory to make it up afterwards if one missed its time, as is the case with *rukū'* and *sujūd*, which have to be made up afterwards if one misses them. The same applies to the initial *takbīr* (*takbīrat al-īhrām*). So what they say is incorrect, and Allah knows best.

Here ends the quote from the *Mumahhad*, which you should consult for more about this.

### 9 Someone doing a *fard* prayer praying behind someone doing a *nafl* prayer

Qadi 'Abd al-Wahhāb says:

Mālik – may Allah have mercy on him – says that someone doing an obligatory (*fard*) prayer should not pray behind someone doing a voluntary (*nafl*) prayer, and the same applies if the two *fard*s are

different. Abū Ḥanīfa – may Allah have mercy on him – says the same. Al-Shāfi'ī – may Allah have mercy on him – says that this is good enough for the person's *fard* prayer.<sup>81</sup>

Our evidence is that Allah says, "You think they are united but their hearts are separate" (Q.59:14), since Allah is blaming those who are like this and have this belief. Since the one doing the *fard* prayer believes the situation to be different from what the *imām* believes it to be, they are thus separate from each other.

If they should say that what He is referring to here is belief with regard to religion, our answer is that it is general and applies to all types of belief.

They also say that in our view it is permissible if the [two people's] prayers are voluntary.

Our answer is that [the situation with] voluntary prayers is not the same as [with] obligatory prayers, since with voluntary prayers one is allowed much more leeway. Do you not see how it is permissible to pray [voluntary prayers] when not facing the *qibla*, or when on a riding-beast, and that one is thus justified in distinguishing between voluntary and obligatory prayers?

It is related that the Messenger of Allah, may Allah bless him and grant him peace, said, "The *imām* is appointed to be followed, so do not act differently from him."<sup>82</sup> Taking someone as an *imām* means following him in everything, and following him in his intention is one of the most important aspects of this, since the intention is the most important aspect of any action.

If they should say what is meant in this *ḥadīth* is difference in action, our answer is that it refers generally to words, actions and beliefs, and exceptions should not be made without clear evidence.

It is also related that [the Prophet], may Allah bless him and grant him peace, said, "Do not differ from your *imāms* and thus let your hearts differ."<sup>83</sup> They say that what is meant by this is the "greater imamate" [i.e. leadership of the community]. Our answer is that it is a statement which refers to *imāms* in general, and thus should be taken to refer to all types of *imām*. And Allah knows best.



## SECTION 4

Some examples of the prejudice that I have seen and heard from the proponents of other *madhhabs* which led to the writing of this book

### Prejudice on the part of some Shāfi'ī scholars

The first example of this is that a certain scholar told me that he had heard a Shāfi'ī *qāḍī* say, "If Allah were to wipe out the traces of the *madhhab* of Mālik, people would then be relieved of it."

More than one scholar has told me that a certain Shāfi'ī *qāḍī* in Egypt bought a copy of *al-Nuṣra*, which is a book about the Mālikī *madhhab* by Qaḍī 'Abd al-Wahhāb al-Baghdādī, in one hundred volumes, for one hundred dinars. He then destroyed it by effacing it in the water-pool of the old Zāhiriyya [Madrasa],<sup>1</sup> whereupon Allah drowned him in the Euphrates.<sup>2</sup> It is also said that he burnt it – may Allah burn his bones in the Fire of Hell – and that a *majdhūb* from the Maghrib made a *du'ā'* [against him] which was answered, and it was not long before Tamerlane imprisoned him in Damascus. He ordered an elephant to be brought, and it took hold of the man by its trunk and played around with him in front of everybody for some time, but without killing him, and then put him back down again in the place where he had been sitting, [after which he died].<sup>3</sup> It is also said that he died through being drowned in the Euphrates, which is the correct version. It is also said that he died of hunger in the way that fanatics (*muta'aṣṣibīn*) and Khawārij do.

If what is related about him is true, then may Allah not have mercy on him. That he should destroy [a copy of] the aforementioned *Nuṣra* is an indication of his hypocrisy, prejudice, stubbornness, and ignorance of the judgements of the Sharī'a. If he had been a believer he would never have done that. If he had been a scholar he would have written a refutation of Qaḍī 'Abd al-Wahhāb's book and called it *al-Nuṣratayn* ("The Two *Nuṣras*") and then made it a *waqf* alongside the other book so that the people of knowledge among the proponents of the different *madhhabs* would

## EXAMPLES OF PREJUDICE

be able to benefit from them both, and believers would increase in their belief by looking at them both, while ignorant fanatics would increase in their hypocrisy.

It is also said that the reason for the aforesaid book being burnt was that Qaḍī 'Abd al-Wahhāb transmits a report in it that Imam al-Shāfi'ī – may Allah be pleased with him – said during the illness from which he died, "If only I had not gone against Mālik!"

The Mālikīs say that, if this is true, it is an acknowledgement by him that his earlier opinion was more correct than his later one.

I once heard a Mālikī shaykh say, "If it weren't that Allah the Exalted kept Mālik protected from them, they would have considered him a Khārijī, judging by the amount of things we hear them saying against him and his *madhhab* – 'but Allah refuses to do other than perfect His light' (Q.9:32)."

Another example of the prejudice of the Shāfi'īs is that Tāj al-Dīn 'Abd al-Wahhāb al-Subkī says, in his *al-Ṭabaqāt al-ṣuḡhrā*: "As for the people of the Yemen, Allah the Exalted showed them His concern in making none of them a Mālikī or Ḥanafī; rather, all of them follow the *madhhab* of al-Shāfi'ī." His prejudice takes him so far that he says: "Do you not see how Shāfi'ī judges are preferred to the judges of all other *madhhabs*, and that they have a special position which no other judges from any other *madhhab* have, because of the pre-eminence [of Shāfi'īs] in all other aspects of public life and their being chosen to take on matters relating to the public good?" He says a lot more of the same sort of thing, which you will find in his book.

I say: This sort of thing would not be said by anyone in whose heart belief has settled; rather, it comes from the heart of someone who is ignorant and has no intelligence and no *dīn*.

### The basis for saying that a mutilated slave is free

Another example of such extremism is what happened to me when a certain Ḥanbalī *qāḍī* asked me about the basis for the opinion that a slave who has been mutilated by his master is free. He had no knowledge of this, either in his own *madhhab* or in the *madhhab* of Mālik, although it is in every book of the Ḥanbalīs. A Shāfi'ī *qāḍī* was present, and he denied both the judgement and any textual basis for it. He was the first to answer, saying that there was no textual basis or proof for the judgement, and at the same time casting aspersions on both the *madhhab* of Mālik and the *madhhab* of Aḥmad – may Allah be pleased with them both. I then told them that the textual basis for it was the *ḥadīth* of 'Amr ibn Shu'ayb, from his father, from his grandfather, that the Messenger of Allah, may Allah bless him and grant him peace, said, "If anyone mutilates a slave of his in an obvious way (*muthla bayyina*), [that slave] is free."<sup>4</sup>



### Doing the prayer behind a Mālikī imām who does not recite the *basmala*

A Shāfi'ī qāḍī was asked whether it was valid to do the prayer behind a Mālikī who does not say the *basmala*, and he replied, in writing: "Imām al-Shāfi'ī has three opinions on this matter. The first is that if the person knows for certain that the imām has said the *basmala* – even if he has done so silently – or if he is not sure whether he has done so, his prayer is valid; if, however, he is sure that the imām has not said the *basmala*, he must repeat his prayer. The second is that his prayer is invalid either way, whether the imām has said [the *basmala*] or not, because of the difference between them with regard to their belief about the situation. The third is that his prayer is valid either way, even if the imām has not said the *basmala*, and this [third opinion] is the one with the strongest evidence" – and he cited the practice of the first community as his evidence for this. He then goes on to say, in the same *fatwā*: "In general, then, a Mālikī [imām] ought to say the *basmala* silently and it is recommended for him to do so." He then mentions al-Qarāfī's opinion that it is best to avoid dispute where possible, and then goes on to say, in the same *fatwā*: "I say this, while acknowledging that some Mālikīs disapprove of saying it, even silently, although this is an opinion for which there is no evidence."

However, the statement of this Shāfi'ī in his *fatwā*, that "a Mālikī [imām] ought to say the *basmala* silently and it is recommended for him to do so", is based solely on his own opinion. If one examines the matter in detail, one finds that it is not recommended for a Mālikī [imām] to say the *basmala*, nor should he do so. This is because either it will have been made a condition [in a *waqf* agreement] that the imām be a Mālikī or it will not. If it has been made a condition that the imām should lead the prayer according to the Mālikī *madhhab*, then it is not permissible for him to say the *basmala*, because, if he were to make a point of continually doing something that is disliked (*makrūh*), his prayer would be deficient.

We may note here also that the conditions laid down by somebody making a *waqf* are considered to be like the texts of the Lawgiver. [In this case] the aim of the one making the *waqf* is that every imām should lead the prayer in his *waqf* in as correct a way as possible so that the blessing of the Four Imams should accrue to him from his *waqf*.

If, however, there is an imām in a place where it has not been made a condition that he be a Mālikī, and he continues to say the *basmala* at the beginning of every *fard* prayer, then the same judgement would necessarily apply to him that applies to someone who persists in doing something that is disliked, namely, that he would lose his status as a man of integrity, reliability and so forth. If [on the other hand] this is not something that he does continually, then he has committed something disliked but the

situation is not so serious, since he has simply committed something disliked and is not doing it continually.

As for it being recommended to avoid dispute, this is indeed the case where it is possible, such as rubbing [the limbs] or wiping over the whole of the head [when doing *wuḍū'*] in the case of the Shāfi'īs and [some] others,<sup>5</sup> or doing *wuḍū'* in the right order in the case of the Ḥanafīs,<sup>6</sup> or not doing *wuḍū'* with water that has already been used in the case of the Mālikīs,<sup>7</sup> and so on. Someone under obligation to observe the law (*al-mukallaf*) would thus be taking the most complete course of action according to the dominant position (*mashhūr*) in his own *madhhab*, while at the same time avoiding any matters where his *madhhab* takes a different view to that of others. However, with regard to this question about the *basmala*, he would not be able to avoid such disputed matters while the view exists that the prayer is invalid even if he does say the *basmala*.

It is thus clear that it is not fitting for a Mālikī to say the *basmala* nor is it recommended for him to do so.

He says that he says this "with full knowledge that some Mālikīs say that it is disliked to say the *basmala*, even silently". However, this is not just the opinion of "some Mālikīs". Rather, it is the opinion of Mālik [himself], and is the dominant position in his *madhhab* and the view of the majority of his followers. However, it is also reported that Mālik allowed it [i.e. saying the *basmala*], that Ibn Nāfi' said it was obligatory, and that Ibn Maslama said it was recommended, as did Abū Ḥanīfa and Aḥmad. Mālik, however, disliked it in obligatory prayers out of concern that ignorant people would consider it obligatory when it is not, which is also the principle he followed with regard to it being disliked to fast [the first] six days of Shawwāl,<sup>8</sup> or of it being disliked to say "*wajjahtu wajhiya . . .*" at the beginning of a *fard* prayer.<sup>9</sup>

A Shāfi'ī once asked a Mālikī, "Why do you dislike [reciting] the *basmala* at the beginning of a *fard* prayer?" He said, "Out of fear of falling into what al-Shāfi'ī fell into." The Mālikī then asked the Shāfi'ī the same question, but he wasn't able to answer.

The words of the above-mentioned scholar, that "this is an opinion for which there is no evidence", are an example of extreme prejudice, lack of justice and discourtesy towards the imams. In fact, the evidence that it is disliked to say the *basmala* is stronger than the evidence for saying it out loud, for at the time the Messenger of Allah, may Allah bless him and grant him peace, died, it was not his practice to say it out loud<sup>10</sup> and the years passed away between his time and the time of Mālik without anyone saying it out loud in the mosque of the Messenger of Allah, may Allah bless him and grant him peace. Indeed, the overt indication (*ẓawāhir*) of the authentic *ḥadīths* [on the matter] is that one does not recite it at all, for most of them say "They would not recite . . .", or "They would not mention . . .", or "They would begin the prayer by saying *al-ḥamdu li-llāhi . . .*", as has



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If, however, there is an *imām* in a place where it has not been made a condition that he be a Mālikī, and he continues to say the *basmala* at the beginning of every *fard* prayer, then the same judgement would necessarily apply to him that applies to someone who persists in doing something that is disliked, namely, that he would lose his status as a man of integrity, reliability and so forth. If [on the other hand] this is not something that he does continually, then he has committed something disliked but the

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already been mentioned. The *ḥadīth* of 'Abdallāh ibn Mughaffal also attests its being disliked, or an even stronger judgement, as he said to him when he heard him reciting the *basmala* in the prayer, "My son, be careful about introducing anything new into Islam. I did the prayer before the Messenger of Allah, may Allah bless him and grant him peace, and Bakr, 'Umar and 'Uthmān, and none of them recited it."<sup>11</sup> This is a statement that they would not recite it, either silently or out loud, because it is a denial of them reciting it at all. He was trying to clarify the situation and to show his son the incorrectness of what he was doing and to warn him, and he referred to its being disliked by calling it "a new thing in Islam", which is clearly an expression of dislike or of worse than that, may Allah know best. If they were in the habit of reciting it silently, he would have told him not to recite it out loud, and would not have told him not to recite it at all.

I say: If the Shāfi'ī were to recite the *basmala* silently, then the way the prayer is done, according to all Four Imams, would be the same in its outward form and would be like the prayer of the Messenger of Allah, may Allah bless him and grant him peace, when he died, which the four caliphs and those after him followed him in doing, in the *mihrāb* [of his mosque] – may Allah bless him and grant him peace – until Mālik's time – may Allah have mercy on him.

### How the *adhān* should be done

Another example is that I was once on a journey with the Chief Qadi of Damascus, who had a young slave who used to call the *adhān* for us during the journey. One day he called the *adhān* and made some linguistic errors when doing so, and so I called him over and corrected his errors. When he next called the *adhān*, he did so without repeating the *takbīr* four times. The Chief Qadi called him over and objected very strongly to what he had done, and said to him, "Why did you call the *adhān* like a Mālikī?", rather than saying, "Why didn't you repeat the *takbīr* four times?" Then he turned to me and objected to what I had done, saying, "My dear Sir, were you the one who taught him this?" I said to him, "I only corrected his linguistic errors, but if I did teach him [anything, it is] better than your *madhhab*." Then I told him what I have already mentioned above about how a man came to Mālik and asked him whether the *ḥadīth* that mentions saying the *takbīr* four times in the *adhān* is authentic or not, and how Mālik said, "Yes, it is authentic." The man then said, "Then why don't you go by it?" Mālik replied, "I do not know about the *adhān* of a day or night" – meaning [the *adhān* in] Makka. "Here is the mosque of the Messenger of Allah, may Allah bless him and grant him peace, where the *adhān* has been called from his time until now, and there is no record of any of the Companions or Successors expressing any objection to this [way of calling the] *adhān*."<sup>12</sup>

The [Qadi] was silent. I said to him, "There was no need for you to express yourself in a prejudiced way." He was one of the best of the '*ulamā*' – may Allah ennoble him.

### A Shāfi'ī's objection to a Mālikī leading the prayer

Another example of this occurred when words were spoken in the presence of the aforesaid *muftī* about a situation where the *iqāma* was called a second time when the prayer had already been started in the same place at the same time. It seems that a Mālikī had gone ahead and called the *iqāma* first and then a Shāfi'ī had called the *iqāma* a second time while the first prayer was being done. I strongly disagreed with this, at which point the son of the aforesaid *muftī* said, "Is a Mālikī putting himself before a Shāfi'ī?!" One of the Mālikīs there said, "Allah the Exalted put Mālik and his *madhhab* before al-Shāfi'ī and his *madhhab* with regard to the prayer, knowledge, and the circles of the people of the rank of *ijtihād* and the noble men of knowledge."

As for what happens in Egypt with regard to the circles of the people of this world, a Shāfi'ī is given priority over a Mālikī without there being any authority for this in the Qur'an, or the Sunna, or the consensus of the community. It used to be the case in Egypt that preference was given to the Mālikīs, and neither the Shāfi'īs nor the Ḥanafīs had any say alongside them. Our master, the Chief Qadi, mentions in his *Tārīkh al-quḍāt* that a legal claim was once made against al-Shāfi'ī – may Allah be pleased with him – to the *qādī* of Egypt, and that [this *qādī*] was a Mālikī. [He also mentions that] al-Layth ibn Sa'd got Ismā'īl ibn al-Yasa', who was one of the *fuqahā*' of Iraq, dismissed from the office of judge. He did not get him dismissed because of any fault in his character, but, rather, because he went against the knowledge of the people of Madina, particularly with regard to endowments (*awqāf*) and certain other matters. Al-Mahdī had appointed [Ismā'īl] after dismissing Ibn Lahī'a from office, and he was the first Ḥanafī to be given the office of judge in Egypt, in the year 164 AH.

[In the same source, it says that] Ibn Abī Maryam said: "Ismā'īl was one of our best *qādīs*, except that he used to go by the *madhhab* of Abū Ḥanīfa, which the people of Egypt did not acknowledge. His view was that it was permissible to allow the cessation of *awqāf*, but the people of Egypt found this difficult to accept and hated him [for it]." He was the first Irāqī to be given the office of judge in Egypt. Al-Layth wrote to al-Mahdī about his situation, because a man had come to him and said, "What do you say about a man who openly calls another a homosexual [lit. says to another, 'You effeminate (*yā ma'būn*)!']?" [Al-Layth] said, "Go to the *qādī*." He said, "I went to him, and he said, 'He should say the same to him as the other man said.'" [Al-Layth] said, "Glory be to God! Should this



sort of thing be said?" So al-Layth wrote to the caliph and [Ismā'īl] was dismissed from office."<sup>13</sup>

[In the same source, it says that] al-Layth came to Ismā'īl and he was in front of him and Ismā'īl treated him well. [Al-Layth] said, "I have come with a point of contention (*mukhāṣiman*)."<sup>14</sup> [Ismā'īl] said, "About what?" [Al-Layth] said, "About [your nullifying] the endowments of the Muslims. Endowments were made by the Messenger of Allah, may Allah bless him and grant him peace, Abū Bakr, 'Umar, 'Uthmān, 'Alī, 'Aḥmad and al-Zubayr, and who is there [to consider] after these people?" He wrote to the caliph about him, and he was dismissed from office for that reason.<sup>14</sup>

A further piece of evidence that indicates that in the early days in Egypt judgement was passed according to the [opinions of] the Mālikī 'ulamā' and the people of Madina is the [following] report which is transmitted by our lord and master, the Chief Qadi, in his *Tawālī al-ta'sīs*:

Al-Buwayṭī, the companion of al-Shāfi'ī – may Allah be pleased with both of them – said: "When al-Shāfi'ī died, we and a number of other followers of his used to gather together as a group. But the followers of Mālik began spreading rumours about us to the authorities (*sultān*), until only myself and a freed slave of al-Shāfi'ī were left. We then began to gather again and go back [to what we had been doing], but [again] they spread rumours about us until we [had to] split up. I had to pay out nearly a thousand dinārs before our people were able to gather together again and go back [to what we had been doing]."<sup>15</sup>

A certain Maghribī said, when he heard this, "Bribery and corruption have been rife in Egypt for a long time."

The leading posts in the judiciary, and others, remained in the hands of the Mālikīs in Egypt, the Yemen and the Hijāz until the time when the 'Ubaydid Khārijites arrived from the Maghrib. They hid themselves behind the *madhhab* of al-Shāfi'ī, although they were Khārijites. They suppressed the *madhhabs* of Mālik and Abū Ḥanīfa in Cairo and Egypt, and, for whatever reason it was, they appointed Shāfi'ī *qāḍīs*, who thus achieved pre-eminence. Then Qadi 'Abd al-Wahhāb came to Egypt and, for whatever reason it was, they appointed him to the office of judge, as is mentioned by the historians. He brought the *madhhab* of Mālik to life after it had effectively disappeared, although the Shāfi'īs still had precedence among the circles of the governors and notables in Egypt. In the circles of honest and fair-minded 'ulamā', however, it was never accepted that precedence should be given to [the Shāfi'īs] or anyone else over and above the *madhhab* of Mālik, and none of these fair-minded 'ulamā' ever held any other view. And Allah knows best.

### Denial of the accusation that Ashhab wounded al-Shāfi'ī

Another instance of the prejudice of the ignorant ones among them who have no knowledge of history is that they say that Ashhab wounded al-Shāfi'ī in the head with an iron key and that he died as a result. This, however, is not true, nor would Ashhab ever have done such a thing. Our teacher and master, the Chief Qadi Shihāb al-Dīn Ibn Ḥajar, mentions in his *Tawālī al-ta'sīs* that there are widespread reports to the effect that Fityān ibn Abī al-Samḥ al-Mālikī wounded al-Shāfi'ī in the head. However, our master, the aforementioned *qāḍī*, goes on to say that this is not true, nor has it been transmitted from any reliable source.<sup>16</sup>

A certain Mālikī said that Abū Ḥayyān was lying when he said, in his panegyrical poem about al-Shāfi'ī – may Allah have mercy on him:

And when he came to Egypt, some people set about  
harming him, piling enmity on top of hatred towards him.  
He came, sifting critically what they had gathered, and destroying  
what they had set up, as their building was weak.  
They stealthily sent against him, when they got the chance to be alone  
with him,  
their wretched one – may Allah cause his hands to be withered!  
He wounded him in the forehead with a key of iron  
and he died as a result, without fair recompense or any  
announcement.<sup>17</sup>

Abū Ḥayyān's words here in these four lines are unacceptable when one considers the overt prejudice and sycophancy they show towards the great Shāfi'ī scholars who were prominent in his day. He only said this in order to get some worldly benefit from them, which is why he left the *madhhab* of Mālik. If he had feared Allah he would not have mentioned anything of this sort. That he is lying is clear from what we have just mentioned, and will mention shortly, about al-Shāfi'ī's death – may Allah be pleased with him.

Moreover, it is very close to *kufr* to say that "their building was weak", since this is saying that Islam was weak before al-Shāfi'ī arrived, which is a reference to the *madhhabs* of Mālik and Abū Ḥanīfa – may Allah have mercy on them both – although it was around these two *madhhabs* that Islam revolved. Abū Ḥayyān is saying that [Islam] was weak before al-Shāfi'ī came and that al-Shāfi'ī was the one who sifted through it critically and built up what was weak.

Similar to this is what happened to a certain Shāfi'ī in a discussion with a Mālikī about a matter on which [al-Shāfi'ī] disagreed with both Mālik and Abū Ḥanīfa. The Shāfi'ī said to the Mālikī, after he had been defeated by the Mālikī in his argument, "This is the *dīn* of Allah." The Mālikī said to



him, "Where was the *dīn* of Allah before al-Shāfi'ī produced a view different to both of these men? Allah perfected the *dīn* before the time of al-Shāfi'ī and put it among the people of the two *madhabs* in the Hijaz and Iraq."

All of this is prejudice and ill manners which should not be voiced in words. Nor is Abū Ḥayyān the authority in grammar that he is made out to be, as is demonstrated by what he says about Ibn Mālik and his criticism of him. It is clear from what he has written that this is not his forte; rather, he has relied extensively on transmitting and following what others have said. In the chapter on *al-tā'ib wa-l-liṭāqa* (?),<sup>18</sup> he expresses many views which are *kufṛ* ("unbelief"), among which is his famous general rule (*kulliyā*) that "Every [active form] *af'ala* can be also be put into the passive (*kullu af'ala yuf'alu bihi*)" [or, more loosely, "Every doer can be done to"],<sup>19</sup> to which someone said, "Including Ḥayyān?" and he said, "Including Ḥayyān." This is *kufṛ*, because the people of our *madhhab* say that anyone who says, "Everyone who owns a caravanserai is a pimp for his own wife (*qarnān*)", has committed *kufṛ*, because of the possibility that one of the prophets may be included under this generalisation.<sup>20</sup> This is different to what is being said here,<sup>21</sup> which is worse than this.

Abū Ḥayyān's situation is well known: first he was a Mālikī, then a Shāfi'ī, then a Zāhirī, and Allah knows best what he was when he died!

Some friends of mine have mentioned to me that, in his book *Ḥayāt al-ḥayawān*, Shaykh Kamāl al-Dīn al-Damīrī al-Shāfi'ī says that Ashhab made a *du'ā'* against al-Shāfi'ī, after which he became ill and then died – may Allah have mercy on both of them.

I say: A *mujtahid* would not be harmed by that, if he is truly a *mujtahid*. They have been tested with far greater than that, such as being beaten and so forth – may Allah be pleased with them – and that only increased them in honour, nobility and respect in the hearts of the believers.

Another example of this is what Shaykh Abū l-Barakāt al-Gharrāqī<sup>22</sup> al-Shāfi'ī relates in a marginal gloss, in his own handwriting, on the aforementioned poem of Abū Ḥayyān. He says:

Our shaykh, the Shaykh al-Islam, that is, Shaykh Shams al-Dīn al-Birmāwī – may Allah have mercy on him – said: "What they have transmitted to the effect that the first martyr to be martyred in Egypt was 'Amr ibn al-ʿĀṣ – may Allah be pleased with him – and that al-Shāfi'ī was the second, is untrue. Rather, someone made a *du'ā'* against him and he fell ill and died – may Allah have mercy on him."

A Mālikī shaykh told me that, after al-Shāfi'ī had gone to extremes in refuting Mālik and going against what he said, they took his case to the *qādī*, who was a Mālikī. The one responsible for this was Fityān ibn

Abī l-Samḥ, who was a man of status with many slaves. They treated al-Shāfi'ī in a very rough manner and dragged him to the house of the *qādī*, where they accused him in front of the *qādī*. Someone interceded on his behalf, saying that he was from [the tribe of] Quraysh, at which point they left him alone. At that time he was seriously ill – with haemorrhoids, blood loss and the like. He became very anxious and began to tremble, and his illness got worse and he died – may Allah have mercy on him.

It is also said that the one who injured al-Shāfi'ī in the head was a man who had been one of Mālik's servants and helpers in his house who came to Egypt from Madina. He had heard that al-Shāfi'ī was refuting Mālik and saying that a lot of what Mālik said was wrong, and he did not take the matter lightly. He rebuked him harshly and treated him in a very rough manner, and hit him with an iron key which resulted in a severe head-wound, although he did not [actually] die from this – may Allah have mercy on him. However, they continue to attribute this to important Mālikīs in order to incite the hatred of the ignorant common people against them, and to cause them harm and to try to get the better of them and their *madhhab*.

### What Ibn Ḥajar said in his *Manāqib al-Layth*

I once heard a number of respected Mālikīs and Shāfi'īs – may Allah increase the numbers of both – criticising our lord and master, the aforementioned Chief Qadi, for mentioning, while dictating [in a public class] at the tomb of Imam al-Shāfi'ī – may Allah have mercy on him – [a report] in his *Manāqib al-Layth ibn Sa'd* – may Allah have mercy on him – [to the effect that] "If Mālik had been present with al-Layth, he would have been dumb in his presence and [al-Layth] could have sold him to whoever he wanted."<sup>23</sup> They spoke at length about this and said that, in transmitting these words, he was showing prejudice against Mālik, because these are unacceptable words to say about him, nor is there any mention of al-Layth being preferred to Mālik because of having a better knowledge of the Qur'an, or of the Sunna, or of consensus. They also said that it was wrong of our master to transmit such words in the presence of a large number of both ordinary people and specialists in such a public gathering. They also said that their criticism was based on two main points: the first was that the *madhhab* of Mālik has spread across the earth and the Muslims have acted by it in both the East and the West, whereas there is no known *madhhab* associated with al-Layth today; the second was that this contains a denigration of the status of Mālik, and refers to him as being dumb, while at the same time al-Layth is not praised for having a greater knowledge of the Qur'an or the Sunna.

We have already mentioned the debate between al-Shāfi'ī and Muḥammad ibn al-Ḥasan al-Shaybānī and the arguments that he used against him.<sup>24</sup>



Furthermore, Mālik and al-Layth did meet together in the same place at the same time, and Mālik was not dumb in his presence. We have already mentioned Mālik's letter to al-Layth – may Allah have mercy upon both of them.<sup>25</sup> The truth is that, when [Ibn Ḥajar] transmitted these words, he was not being fair to Mālik, nor was it praise for al-Layth.

Someone who was there at the time told me that all of the Shāfi'īs who were there were pleased with what they heard, while all the Mālikīs who were there, or heard about it, were saddened by what they heard.

A certain Mālikī, [however], said that accusing Mālik of dumbness would not harm him in any way; rather, it is praise for him because of his well-known fear of Allah and his reluctance to give *fatwā*, to the extent that they say that everybody's knowledge was on the increase as they got older, except for Mālik, who, as he got older, would remain silent out of fear of Allah, and who, if he had lived longer, would have discarded (*asqata*) everything he knew.<sup>26</sup> He would frequently advise people to remain silent. It is related that Yaḥyā ibn Yaḥyā al-Laythī said, "The last time I met Mālik he said, 'I will tell you something which will help you attain the wisdom of the wise: if you are present in a gathering, remain silent; if they are right, you will benefit, and if they are wrong, you will be safe. And [I will tell you] something which will help you attain the knowledge of the learned: if you are asked about something you don't know, say 'I don't know'. And [I will tell you] something which will help you attain the medical knowledge of the doctors: don't eat until you are hungry, and stop eating while you still want to eat more.'"

This was why 'Abdallāh ibn al-Mubārak said, in his poem in praise of Mālik – may Allah have mercy upon him:

A man of silence, when silence is an adornment for its people –  
One who breaks the seal of untouched, virgin words.  
He contained every wisdom that the Qur'an contained  
And correct behaviour was part and parcel of his flesh and blood.

This has already been mentioned before.<sup>27</sup>

I say: With regard to the Chief Qadi, the answer [to this accusation] is that he should be considered above having mentioned such a thing out of prejudice or with bad intent, for his excellence of character, behaviour and *dīn* are too well known to all. He – may Allah treat him well – is a man of noble temperament who is far removed from prejudice and bad intent. Rather, his reason for mentioning these words would have been the intention that historians have when they mention events and what has happened, without [necessarily] considering all the possible interpretations that the words may have. What shows this is that he – may Allah ennoble him – transmits in his book *Tawālī al-ta'sīs bi-ma'ālī Ibn Idrīs* [the report] that al-Ḥākim<sup>28</sup> said:

The aforementioned Abū Turāb told me that Muḥammad ibn 'Abdallāh ibn 'Abd al-Ḥakam said: "Al-Shāfi'ī continued to go by the opinions of Mālik, only going against his opinions in the way that his followers would, until Fityān went to extremes in his unacceptable language against al-Shāfi'ī. It was at this point that al-Shāfi'ī began to compose books about his differences with Mālik. Otherwise, when asked about anything, al-Shāfi'ī used to say, 'This is what my teacher said' – meaning Mālik."<sup>29</sup>

This is a more serious statement about al-Shāfi'ī than the aforementioned transmission about Mālik, but all of this is open to interpretation (*ta'wīl*). The same applies to the story he transmits about Mālik's head-cap (*qalansuwa*), and the reason why al-Shāfi'ī went against those imams who had preceded him.<sup>30</sup>

One of the *ṣāliḥīn* said that it was not correct or fair [for Ibn Ḥajar] to transmit this or anything like it because it gives an excuse for ignorant and prejudiced people to disparage the imams of the *dīn*, to the extent that some extremists among the supporters of the *madhhabs* have said about the Shāfi'īs: "From this we can see the amount of prejudice they have that no one else has."

Very similar to what our master, the Chief Qadi, transmits from Ibn 'Abd al-Ḥakam is what Qadi 'Iyād mentions [in his *Madārik*], when he says:

Muḥammad ibn Idrīs al-Shāfi'ī – may Allah be pleased with him – had a different opinion on various questions where his lack of independent knowledge about *ḥadīth* did not allow him to arrive at the correct judgement. Then what happened happened between him and the Mālikīs in Egypt, until he went aside with his own students and announced his opposition to the greatest of his teachers.<sup>31</sup>

This is why Qadi ['Iyād] mentions what we have mentioned before, namely, that Abū Ḥanīfa and al-Shāfi'ī were acknowledged experts in *fiqh*, but not in *ḥadīth*, while Aḥmad and Dāwūd were acknowledged experts in *ḥadīth* but not *fiqh*; Mālik, however, was an acknowledged expert in both *fiqh* and *ḥadīth*.<sup>32</sup>

Similarly, Qadi 'Iyād mentions that Ibn 'Abd al-Ḥakam said: "If Mālik is alone in holding an opinion which has not been transmitted from anyone before him, his opinion is a decisive argument which makes it necessary to accept a difference of opinion." Someone asked, "What about al-Shāfi'ī?" He said, "No."<sup>33</sup>

I say: It is only fair and correct that such words should be erased from books and not transmitted. This is because, even if such things are true, [they constitute] a knowledge which is of no benefit today and an ignorance which is of no harm; rather, such ignorance is of benefit to us, now that the



[various] *madhhabs* have been accepted and the *dīn* has become established among four of them and the whole community is agreed on the correctness of following these and disregarding any others.

One Mālikī said, answering on behalf of Qadi 'Iyād with regard to the reports of this nature that he has transmitted, that he only did so by way of support and as a response to those Shāfi'īs who had taken an extremist view and said things about Mālik and cast aspersions on the quality of his *ijtihād*, as we have mentioned earlier. The situation therefore demanded that 'Iyād and others should say something about this and transmit reports and write what they did on the subject. Apart from this, the books of the Mālikīs in both the Maghrib and elsewhere are free from prejudice, and this has remained the situation up to the present time. But prejudice on the part of the supporters of the *madhhabs* has not ceased in this land [of Egypt]. The truth is that it is not permissible for any Muslim who believes in Allah and the Last Day to mention any of the Four Imams in a way that does not increase the respect and honour that people have for them. Even if one gives preference to one of them over the others, one should not say anything bad about any of the others.

A Mālikī once asked the Chief Qadi al-Bulqīnī – may Allah have mercy on him – about the arguments for a particular point of dispute [in *fiqh*] and he said: “The [various] *madhhabs* have become established, and there is no benefit in talking about this [matter] today, since it only results in bad feeling and envy”, and he forbade him to ask the question. This is the truth [of our situation] today, without any doubt.

As for Mālik, he is beyond needing to be given preference by people, because Allah gave him preference, and the imams bore witness to this, as has been mentioned above in the quotes from Imam Aḥmad and others – may Allah be pleased with them – and Imam Aḥmad is an authoritative voice when it comes to knowing which transmitters and men of knowledge are reliable and which are not. One therefore has to accept what he believed to be the case about them – may Allah have mercy on them all.

[Another] example of this [kind of] prejudice was that I once heard a man saying something very serious with regard to prophethood, and I wanted to take his case to the Chief Qadi, who was a Shāfi'ī. When I told him about the matter, he said, “Take him to the Mālikīs and let it be on Mālik's head.” His prejudice thus led him to a wrong action in going against his own *madhhab*. What he should have done was to listen to what the man had to say and not expose him to the death penalty according to a *madhhab* which he considered incorrect while considering his own *madhhab* to be correct. This is because his *madhhab* accepts the possibility of repentance in such cases whereas that of Mālik does not. So he exposed this man to the death penalty, going against what he believed to be the correct position and, at the same time, showing discourtesy to Mālik.

Shaykh Muḥyī l-Dīn al-Nawawī says in one of his books, “This is a slip (*khata'*) on Mālik's part, or, rather, a mistake (*ghalat*).”

I say: Shaykh Khalīl says something similar in his section on bankruptcy (*taflīs*), where he says, about an opinion that Mālik later renounced, “It is nothing.”<sup>34</sup>

This is a serious and unacceptable defamation of the knowledge of the people of Madina, because Mālik – may Allah have mercy on him – only spoke out of his own opinion on three matters, as we mentioned earlier in the report from him [about this] – may Allah have mercy on him.<sup>35</sup> It is also self-deception, since all these [judgements] were the result of *ijtihād*, and a *mujtahid* is rewarded even if he is wrong, since what Allah wants from him is the act of *ijtihād*.

This [sort of thing] does not exist in the words of the Maghribīs. What 'Iyād and others among them said was simply a response to al-Juwaynī and others who showed their prejudice against Mālik and cast aspersions on him. Even then, there is nothing that they say for which they do not have evidence.

It is also true that Ibn al-ʿArabī said, “Even if Mālik said so, we are not his slaves.” Everyone in the Maghrib criticised him for this, although in fact these words show his great respect for Mālik. Mostly, however, one finds this sort of thing in the books of the scholars of the East.

Prejudice among some of our latter-day Shāfi'ī scholars has reached the point where one of them said, “This donkey and his grave ought to be kept far away from the neighbourhood of Imam al-Shāfi'ī” – referring to Muḥammad ibn ʿAbdallāh ibn ʿAbd al-Ḥakam, who they wanted to oust from his own property even though he had always treated Imam [al-Shāfi'ī] well during his life, as well as paying off his debt for him after his death, and burying him in land that was part of his own property.<sup>36</sup>

### Prejudice on the part of some Ḥanafī scholars

Among the examples of prejudice on the part of our Ḥanafī scholars – may Allah give them long life – is this: I was present one day, with a group of common people and young students, with [the man who was] the shaykh of their shaykhs at that time. He was asked who, out of the Four Imams and their *madhhabs*, should be given preference, and he gave preference to Abū Ḥanīfa, then to Mālik, and then to al-Shāfi'ī, thus giving Abū Ḥanīfa preference over Mālik, and Mālik preference over al-Shāfi'ī. He mentioned two points as evidence for this: firstly, that Abū Ḥanīfa was the first to write down *fiqh*; and, secondly, that Abū Ḥanīfa had encompassed the knowledge of so-and-so and so-and-so, who in turn had encompassed the knowledge of Ibn Mas'ūd, who in turn had encompassed the knowledge of the Companions. He was not able, however, to give him preference on the basis of him having a greater knowledge of the Qur'an, or the Sunna, or consensus.



I said to him, "What I have just heard is more amazing than you giving him preference! Do you give preference to Abū Ḥanīfa over Mālik because he encompassed the knowledge of one of the Companions, via intermediaries, while at the same time you do not give preference to Mālik over him, although he encompassed the knowledge of most of the Companions, via most of the Tābi'īn, in the City of the Prophet, may Allah bless him and grant him peace, among whom were Abū Bakr, 'Umar, 'Uthmān, 'Alī, and the Muhājirīn and Anṣār – may Allah have mercy on all of them!"

Even more amazing than this is that he should have given him preference on the basis of him being the first to write down *fiqh*. Why didn't he give him preference on the basis of him having a greater knowledge of the Book, the Sunna and consensus, as happened in the debate between Imam al-Shāfi'ī and Muḥammad [ibn al-Ḥasan al-Shaybānī] – may Allah have mercy on both of them? However, neither he nor anyone else would have been able to do that. It would have been more correct if, when he had been asked, he had said, "All of them were on a path of guidance from their Lord, exercising *ijtihād* with regard to the Sharī'a. So follow whichever *madhhab* you want, and fear Allah in following it. This will then bring you benefit in the presence of Allah and you will find yourself in a position of safety with regard to both Allah and people." The sort of answer he actually gave would not be said by any scholar with understanding.

However, there is some benefit to be derived from his words, in that he gave preference to Mālik over al-Shāfi'ī. In a similar fashion, the Shāfi'īs give preference first to their *madhhab* and their imam, and then to Mālik over Abū Ḥanīfa. This means that, when all these views are taken together, Mālik is given preference by all the *madhhabs*.

Furthermore, the claim of each side that their *madhhab* should be given preference is not acceptable, since, if the two *madhhabs* disagree, the third can be used to judge between them,<sup>37</sup> and they all grant Mālik precedence when it comes to *madhhabs* other than their own. Nor should the claim of either side that their *madhhab* should be given preference over Mālik be accepted without clear evidence.

We have already mentioned above, God willing, enough on the subject of why one should give preference to Mālik and his *madhhab*.

As for the Mālikīs and the Maghribīs, Allah has protected them from bias and prejudice both outwardly and inwardly, through the blessing of Mālik and his *madhhab*. Those who spoke out among them, such as Qaḍī 'Iyāḍ, Sanad (?) ibn 'Inān al-Azdī<sup>38</sup> and others, only did so in response to those who showed overt bias against Mālik. If the Mālikīs are asked, they refer to the evidence and consider it carefully, as they do with their own imam and the people of their own *madhhab*. If they are asked about who should be given preference, they only speak well of people, giving preference to their *madhhab* and their imam, using arguments such as those that have been mentioned already, while at the same time declaring the equality of all

the imams of *ijtihād* with regard to the obligation to follow them. As for their books, they are free of prejudice.

An example of the prejudice of the Ḥanafīs is the statement of one of them that one should not marry into a family of Shāfi'īs, and of another that the daughter of a Shāfi'ī is not of the same status as the son of a Ḥanafī, or the other way round. [In the same way, the Ḥanafī scholar] Qiwām al-Dīn al-Itqānī wrote a book about raising the hands during the prayer in which he says that there are thirty-five reasons why doing the prayer behind a Shāfi'ī is invalid.<sup>39</sup>

For their part the Shāfi'īs have gone much further than this in their prejudice against the [Ḥanafīs]. The story about al-Qaffāl and the prayer according to Abū Ḥanīfa is well known, as are the verses about this which include the words, "And he holds that one can finish the prayer by breaking wind."

All of this is unacceptable, nor is it correct for anyone to mention such things or for them to be written down in books, for the aforementioned reasons.

### Further examples of the prejudice of some Shāfi'īs

I once heard a respected Shāfi'ī criticising 'Iyāḍ for being prejudiced and saying that he had done al-Shāfi'ī an injustice. Four or five years later I asked him, "What was it you saw in the words of 'Iyāḍ that made you think that he had done al-Shāfi'ī an injustice?" I was thinking that he had seen the arguments of 'Iyāḍ that we have mentioned above, but he said, "He does him an injustice when he says, in the *Shifā*, that al-Shāfi'ī held the irregular (*shādh*) view that it is obligatory to say the prayer on the Prophet, may Allah bless him and grant him peace, [at the end of the prayer]."<sup>40</sup>

I say: 'Iyāḍ may be criticised on two counts. Firstly, the *Shifā* is intended as exaggerated praise of the Prophet, may Allah bless him and grant him peace, so it would have been more in keeping with his purpose if he had expanded it a little and said that a group of people, among them al-Shāfi'ī – may Allah have mercy on him – say that it is obligatory to say the prayer on the Prophet, may Allah bless him and grant him peace, [at the end of] the prayer. Secondly, the view that it is obligatory is also mentioned within the *madhhab* of Mālik – may Allah have mercy on him – so it should not be said that Qaḍī 'Iyāḍ said what he said out of prejudice and lack of fairness. Rather, it would seem to have been an oversight on his part in this case. And Allah knows best.

Another example of the prejudice of the Shāfi'īs is that a Mālikī once told me that he was with a large group of Shāfi'īs who were arguing among themselves and accusing each other of being wrong. They spoke badly to one person in particular, who then stopped speaking with the people of his own *madhhab* and turned to the Mālikī and said, "What is the opinion of



the Mālikīs with regard to the purity of dogs and the impurity of semen", at which point the session turned into one of aspersions being cast against Mālik and his *madhhab*.

Another example of their prejudice is that some of them say that al-Shāfi'ī only studied *ḥadīth* with Mālik, and not *fiqh*, thereby intending to diminish Mālik's status and his knowledge of *fiqh*.

A prejudiced Mālikī said, "The one who said that was telling the truth, although at the same time he was lying. As for him not learning *fiqh* from [Mālik], that is true and is borne witness to by the fact that he went against the principles that [Mālik] held to. As for him learning *ḥadīth* from him, that is borne witness to by the *Ṣaḥīḥayn*."

This Mālikī was speaking badly and in a biased fashion in his response to this man's words, but at the same time he accepted that Imam al-Shāfi'ī had studied both *fiqh* and *ḥadīth* under Mālik and had achieved his reputation through him, as has been mentioned above.

The general approach (*wajh*) of the two *madhhabs* should be clear from what the Chief Qadi has transmitted in *Tawālī al-ta'sīs*, and what we have transmitted in this book, and it should be apparent to anyone free of bias that there is a great difference between these two *mujtahids* and their *ijtihād*. Allah gives success to whomever He wills and eases his path to what he has been created for, in His justice. There is no Lord other than Him, and nothing worthy of worship other than Him.

After I had finished writing this book, I heard a crazy Shāfi'ī boasting and saying with mockery in the presence of his father, who was a *qāḍī* and yet did not raise any objection to what his son said – may Allah curse them both – "Al-Shāfi'ī will come on the Day of Rising with the Egyptians behind him wearing their big turbans, their fine clothes and garments made of silk and wool pleasing to the eye, and will enter the Garden; whereas Mālik will come on the Day of Rising, barefooted and bare-headed, in a terrible state, with the Maghribīs behind him, barefooted and [half-]naked, looking like down-and-out beggars (*ḥarāfīsh*)<sup>41</sup>." He also said much worse than this.

I said to him: This is *kufṛ*, *zandaqa* and lack of belief in the terror of the Day of Rising, as well as a disparagement of the '*ulamā'*. By Allah, Mālik will come on the Day of Rising with his followers behind him, who will include great imams and noble scholars such as al-Awzā'ī, al-Layth, al-Thawrī, Ibn 'Uyayna, Ibn al-Mubārak, al-Shāfi'ī, 'Abd al-Raḥmān ibn al-Qāsim, and other contemporaries and followers of theirs, such as Imam Aḥmad, Qadi Ismā'īl, al-Māzarī and others, along with all the Maghribīs, the Mālikīs of Egypt and others, looking like the People of the Ṣuffa and the Companions of the Messenger of Allah, may Allah bless him and grant him peace, in their poverty and their simplicity of life and their doing without the things of this world, and for this reason they will not have to face any account. Their faces will be like the full moon, in their pleasure and joy

at what Allah has given them in His generosity, and they will enter the Garden, following in the train of the People of the Ṣuffa and the Companions of the Messenger of Allah, may Allah bless him and grant him peace, without [having to face] any account, and without experiencing any fear or sadness. But fanatics like you, and the Khārijites, both from among the people of Egypt and from elsewhere, will come on the Day of Rising with their big, ornate turbans<sup>42</sup> which have been bought with usurped money, the unlawful wealth of orphans and others, and the money gained from bribes and backhanders and selling the judgements of Allah while wronging His servants. The Fire will be kindled over your voluminous turbans and robes<sup>43</sup> which have been acquired through what is forbidden and *ḥarām*, and your faces will be blackened, covered in dust and overcast with gloom, and licked by the flames of the Fire in which you will be grimacing horribly. You will then enter the Fire, following in the train of Pharaoh, Hāmān and Qārūn. At that point Imam al-Shāfi'ī – may Allah be pleased with him – will see you in that awful state and will deny that you are any followers of his. We have already mentioned the dream in which he said, "Because of the lies [these people] tell about me."<sup>44</sup> He will resort to his shaykh, teacher, master, and proof before Allah, Mālik ibn Anas – may Allah be pleased with him – and will enter the Garden with him, following behind him and the People of the Ṣuffa and the Companions of the Messenger of Allah, may Allah bless him and grant him peace. May Allah be pleased with all of them, and raise us up in their company by His nobility, generosity and kindness. Āmīn. Āmīn. Āmīn.

We have also already mentioned the two dreams in which occur the words "Put him with Abū 'Abdallāh, Abū 'Abdallāh, and Abū 'Abdallāh", and "Let Abū 'Abdallāh go into [the Garden] with them", both of which are evidence of this.<sup>45</sup> And Allah knows best.

They say worse than this in their gatherings, although if they are ever brought before their judges and leaders, the latter do not censure them. On the contrary, they do not even object to such things, but laugh when they hear them.

### Examples of the fairness of some Shāfi'ī scholars towards the Mālikī *madhhab*

One of the anecdotes of the '*ulamā'* about [this issue] of fairness is one that I was told by a certain Mālikī '*ālim*, who said: "We were studying the *Mudawwana* with the knowledgeable Shaykh and Imam Sirāj al-Dīn al-Bulqīnī al-Shāfi'ī – may Allah have mercy on him – when we came to a point of difference between Mālik and al-Shāfi'ī. Shaykh Sirāj al-Dīn said, 'In our *madhhab* the judgement is such-and-such', although this was not something that al-Shāfi'ī had said. He then attributed it to himself, and then he realised that the Mālikīs were criticising him for it, saying, 'You are a



Shāfi'ī, but this is not the *madhhab* of al-Shāfi'ī.' He said, 'If you Mālikīs were to say, "We aren't Mālikīs, but you are Shāfi'īs", we would say, "In the same way, you are Qāsimīs [i.e. followers of Ibn al-Qāsim], and all of us meet in Mālik – may Allah have mercy on him."'<sup>46</sup>

These are fair and honest words which it is very pleasing to know were said by Shaykh Sirāj al-Dīn – may Allah have mercy on him.

One scholar also told me that he heard the aforesaid Shaykh Sirāj al-Dīn say, "Praise be to Allah who showed His favour to people in giving them the *madhhab* of Mālik" – referring to [Mālik's] lack of strictness with regard to the impurity of water and dogs, and also many business transactions, and other things.

A Sufi shaykh also told me that the aforesaid Shaykh Sirāj al-Dīn once did the prayer behind Shaykh Abū Bakr al-Ṭuraynī al-Ṣūfī, who was a Mālikī – may Allah benefit people through him. Shaykh Sirāj al-Dīn said to him, "Please say the *basmala*", but Shaykh Abū Bakr said the *takbir* and went on directly with '*al-ḥamdu li-llāhi rabbi l-ʿālamīn*'. Shaykh Sirāj al-Dīn then said '*Allāhu akbar*' according to the Mālikī *madhhab* and did the prayer behind [al-Ṭuraynī], even though he knew that he had not said the *basmala*.

Once a group of Mālikīs and Shāfi'īs were studying Qadī 'Iyāḍ's *Shifā* with Shaykh Sirāj al-Dīn and he praised Qadī 'Iyāḍ highly in their presence. His son, Qadī Jalāl al-Dīn, said to them, "What's the matter with you Mālikīs that you aren't like Qadī 'Iyāḍ?" But his father, Shaykh Sirāj al-Dīn, said to him, "What's the matter with you, that you aren't saying to the Shāfi'īs, 'What's the matter with you Shāfi'īs that you aren't like Qadī 'Iyāḍ?'"<sup>47</sup>

Among other anecdotes indicating such fair-mindedness is that a certain Shāfi'ī student once changed to the *madhhab* of Mālik, and the people of both *madhhabs* criticised him for this. A fair-minded Shāfi'ī judge, when he heard him being rebuked in this way, said, "Don't rebuke him, for he has done nothing worthy of rebuke. He has changed from the *madhhab* of the student to the *madhhab* of the teacher."

All of the above is what people of knowledge, fair-mindedness and excellence have said.

Another example of what the people of fair-mindedness have said are the words of al-Ṣalāḥ al-Ṣafadī – may Allah have mercy on him – that we have already mentioned, when he said, "Mālik had the special quality of knowledge; Abū Ḥanīfa had the special quality of understanding *qiyās*;<sup>48</sup> and al-Shāfi'ī had the special quality of understanding *ḥadīth*."<sup>49</sup>

Another example of this is when Hafiz Mughaltāy al-Shāfi'ī (*sic*)<sup>50</sup> criticises Ibn al-Ṣalāḥ for saying that the "golden chain of authority" (*silsilat al-dhahab*) is "al-Shāfi'ī, from Mālik, from Nāfi', from Ibn 'Umar", on the basis that al-Shāfi'ī is the noblest of those who related from Mālik. The same point is noted by our master, the Chief Qadī, in his *Tawālī al-ta'sīs*, where he says that this is "because of their agreement that the noblest to relate from Mālik is al-Shāfi'ī."<sup>51</sup>

Mughaltāy says, criticising these words of theirs, "If they are referring to *ḥadīth*, it is 'Abdallāh ibn Wahb; and if they are referring to *fiqh*, it is Ibn al-Qāsim." A Mālikī said that this is because the books of the people concerned with authentic *ḥadīth* are full of narrations from Ibn Wahb and Ibn Maslama, and because Mālik would address Ibn Wahb as "the *faqīh*".<sup>52</sup>

A Mālikī also told me that Mālik used to consider Ibn Wahb to be more knowledgeable in *fiqh* than Ibn al-Qāsim. Ashhab, however, did not accept this, nor is there anyone among those who studied under Mālik who is nobler in the eyes of the Mālikīs than Ibn al-Qāsim, who is a man from whom many *ḥadīth* scholars also transmit, not to mention his doing-without, his scrupulousness, his fear of Allah, and his great respect for and honouring of the Prophet, may Allah bless him and grant him peace, so much so that, if the name of the Prophet, may Allah bless him and grant him peace, was mentioned, the blood would drain from his face and the saliva would dry up in his mouth – may Allah be pleased with him.<sup>53</sup>

As for 'Abdallāh ibn Wahb, his chief characteristic was fear of Allah. It is related that he was once sitting in the mosque of the Prophet, may Allah bless him and grant him peace, thinking about how much money he would need until the time when the pilgrims came for *ḥajj*. He calculated the amount and it came to sixty dinars. He began thinking about who he could borrow it from and, while he was thinking, a man came to him and threw a bag into his lap with sixty dinars in it.

As for Ibn al-Qāsim, it was doing-without and scrupulousness that were his main characteristics. It is related that he once passed by a garden that was worth a thousand dinars and, on asking about it, was told that it belonged to Ashhab, the *faqīh*. He said to his companions, "Go inside. Allah says, '[There is no harm . . . in you eating in your own houses] . . . or [those of] your friends' (Q.24:6). So they went into the garden and began eating and were glad that they had gone in. Ashhab heard about this and was very happy. He asked if Ibn al-Qāsim had eaten anything and they said, "No." Ashhab said, "I ask you all to bear witness that this garden is now a *waqf* for the sake of Allah and a gift to the poor and needy." Ibn al-Qāsim said, "He didn't give it away because of me, but rather because of an uncertainty he had about its origin."

It is related that a great Sufi saw his uncle and another Sufi shaykh sitting on a chair between the heavens and the earth. He was surprised at that, but his uncle said to him, "What are you surprised at? If you were to have seen Ibn al-Qāsim prostrating to Allah beneath one of the legs of the Throne, you wouldn't be surprised at us!" The *karāmāt* of the *awliyā'* and the blessings of the '*ulamā'*' are beyond number, because they are the inheritors of the prophets.

It also seems to me that there was no one among the great '*ulamā'*' who was more scrupulous than Ibn al-Qāsim. And Allah, the Glorious and Exalted, knows best.



## SECTION 5

### Some [grammatical] points where many specialists make mistakes

#### 1 *Wuḍū'* and *waḍū'*

Among these are that one says, *tawaḍḍa'tu li-l-ṣalāti waḍū'an ḥasanan* ("I did *wuḍū'* for the prayer in a thorough fashion"), using the form *waḍū'* [rather than *wuḍū'*]. Sibawayhi says [in his *Kitāb*], in the section on verbal nouns that take the form *fa'ūl*:

This is illustrated by expressions such as *tawaḍḍa'tu li-l-ṣalāti waḍū'an ḥasanan* ("I did *wuḍū'* for the prayer in a thorough fashion"), *ṭaṭahhartu ṭahūran ḥasanan* ("I purified myself thoroughly"), *ūli'tu bihi walū'an* ("I was greatly enamoured of it"), and *qabiltuhu qabūlan* ("I accepted it gratefully").<sup>1</sup>

Imam Abū l-Ḥasan 'Alī ibn Kharūf al-Andalusī says, in his commentary on this section of Sibawayhi's *Kitāb* – may Allah have mercy on both of them:

They claim (*za'amū*) that the word *waḍū'* is a noun which refers [only] to the water used [for doing *wuḍū'*], like the word *waḡūd* ("fuel"), and that no one reliable has ever upheld the view that the word *wuḍū'*, with an initial *u*, can be used for a substance [i.e. the water used].

I say: If this were not a weak opinion [i.e. the implication that the verbal noun is *wuḍū'* rather than *waḍū'*], al-Jawharī would not have attributed it [in his *Ṣaḥāḥ*] to al-Yazīdī, and thus freed himself from the responsibility of transmitting it.<sup>2</sup>

Al-Akhfash says that *waḍū'*, with an initial *a*, refers to the water used, while *wuḍū'*, with an initial *u*, is the verbal noun, although it is also said that they are dialectal variants with the same meaning.<sup>3</sup>

## POINTS WHERE SPECIALISTS MAKE MISTAKES

### 2 *Dhikr* and *dhikrā*

Al-Jawharī says [in his *Ṣaḥāḥ*]:

*Dhikr* and *dhikrā* ("remembering") both denote the opposite of *nisyān* ("forgetting"). In the expression *ij'alhu minka 'alā dhikrin wa-dhukrin* ("Make sure you remember it"), the words *dhikr* and *dhukr* have the same meaning. Likewise, people say *dhakartu l-shay'* ("I remembered the thing") after having forgotten it, and also *dhakartuhu bi-lisānī* ("I remembered [i.e. mentioned] it on my tongue") and *dhakartuhu bi-qalbī* ("I remembered it in my heart").<sup>4</sup>

I say: None of the Seven [Readers] read *dhukr*, with an *u*, and Allah knows best.

One also finds the same, or very like it, in [Ibn Sida's] *Muḥkam*.

### 3 *Ghusl* and *ghasl*

Al-Jawharī says [in his *Ṣaḥāḥ*] that you can say both *ghasaltuhu ghaslan* and *ghasaltuhu ghuslan* ("I washed it thoroughly"), although some say that *ghasl*, with an *a*, is the verbal noun [denoting the general action of washing] and *ghusl*, with an *u*, is the noun [denoting the specific act of washing that goes by this name].

### 4 *Akl* and *ukl*

You can say, *akaltu aklan dhārī'an* ("I ate quickly") [using the verbal noun *akl*], whereas *ukl* refers to what is eaten. Allah says, "It produces its fruit (*tu'tī uklahā*)<sup>5</sup> every season with the permission of its Lord" (Q.14:25).

### 5 *Kuḥl* and *kaḥl*

In the *Muḥkam* [of Ibn Sida] it says:

You say *kaḥaltuhu kaḥlan* ("I put kohl on his eyes") using the form *kaḥl* as the verbal noun, whereas *kuḥl* is the substance that is applied to the eyes. *Kaḥal*, on the other hand, refers to a natural blackness on the edge of the eyelids where the eyelashes grow.

### 6 Reasons why the way many *mu'adhdhins* call the *adhān* is *kufr*

I have heard those who call the *adhān*, and those who repeat the phrases out loud after the *imām* during the prayer, falling into *kufr* ("unbelief") in



three different ways when saying just one *takbīr*, in front of both ordinary people and those with knowledge, without anyone seeking to correct them. The first is that they insert an interrogative *hamza* (i.e. a glottal stop) vocalised in this instance with the vowel *a* in front of the word *Allāh*, so that they say *Āllāhu akbar*? ("Is Allah greater?"), which is *kufr*. The second is that they insert an interrogative *hamza* in front of the word *akbar*, so that they say *ākbar*, which is the equivalent of saying *a-huwa akbar*? ("Is he greater?"), which is also *kufr*. The third is that they insert an *alif* between the *bā'* and the *rā'* of *akbar*, so that they say *akbār*, which is the plural of either the verbal noun *kabr* ("exceeding someone else in age") or of the word *kabar*, which means a drum. Both of these meanings are *kufr* and cannot be said about the Creator, be He glorified and exalted.

I have also heard most of those who call the *adhān* adding a *fatha* (a vowel) to the word *akbar* and then joining one *takbīr* with another so that they say *Allāhu akbara llāhu akbar*. I have seen some scholars of our time arguing for this and claiming that it is correct. Indeed, they claim that this is the way it should be done and that it is not permissible to say it in any other way than with a *fatha*. This is clearly erroneous, for two reasons. Firstly, this word should only be heard in its pausal form, and linking it to the following word is against the *sunna* and against the way the first generations used to call the *adhān*. Secondly, to say it with a *fatha* is a [linguistic] error which goes against [the norms of] Arabic speech, if, that is, we allow that one may link it to the following word. This is because, if one does link it this way, the ending is a nominative one, since [the word *akbar*] is what is predicated about the word *Allāh*, which is the subject [of the nominal sentence] whose predicate is *akbar*, and the correct way to express the nominative here is with a *damma* (*u* vowel) because [the word *akbaru*] is a declinable, singular noun (*ism mufrad mu'rab*) which is [here] the predicate of a preceding subject. It is neither an undeclinable word that ordinarily ends in a vowelless consonant, which would then need to be vocalised with either a *fatha* or a *kasra* (*i* vowel) [as a vowel of liaison] in order to avoid two vowelless consonants coming together, nor is it a word whose pausal form is intrinsic to it (*mawqūf fī l-aṣl*), because pausing on it only occurs incidentally in order to emphasise the long vowel [in the phrase *Allāhu akbar*, and thus also the meaning], and so one pauses on it using a *sukūn* and it is not permissible to supply either a *fatha* or a *kasra* as a vowel of liaison in order to avoid two vowelless consonants coming together. Equating this situation with that of saying «*thalātha(h) arba'a*» ("three, four") when counting numbers is incorrect, because *thalātha(h)* is a pausal form and so there is no need to give it any grammatical ending, and the *hamza* of *arba'a* is a full *hamza* (*hamzat al-qaf'*) and so it is not permissible to elide it, except under certain specific conditions which do not apply here.<sup>6</sup> In the phrase *Allāhu akbar*, on the other hand, the *hamza* [of the word *Allāh*] is a *hamza* of elision (*hamzat al-waṣl*), and the word *akbar*, which is its

predicate, is a word which declines [and thus ends in a vowel which indicates its grammatical status].

Those who explain [the *a*] by saying that it is a vowel which is supplied because two vowelless consonants have come together are far from the correct path. The same is true of those who say that it is due to the elision of the *hamzat al-waṣl* [at the beginning of the word *Allāh*]. This is because *hamzat al-waṣl* cannot exist in a non-pausal environment (*fī l-waṣl*), and so it is not possible to elide it: Allah has not created a *hamzat al-waṣl* in the speech of the Arabs whose vowel can be elided. We say this because any interpretation or explanation of a linguistic phenomenon must be dependent on that phenomenon occurring [in the first place]. The point here is that [*hamzat al-waṣl*] only ever occurs in a pausal environment, so how can it be vocalised with a preceding *fatha* or anything else?

If such a pronunciation [of the *adhān*], with liaison [between these two words], were to be heard among the Arabs, I would explain the correct grammar of it, on the basis of their [normal] speech, by saying that [the word *akbaru*] is a predicate, in the nominative case, which has been predicated about the word *Allāh*, since it is a declinable word and there is no reason to consider it indeclinable [and thus have an ending that does not change as its grammatical status changes], and [the word *Allāh*] does not cause it to bear either a *fatha* or a *kasra*, as is also the case in the *iqāma*<sup>7</sup> [where the same words are naturally run together], as there is no difference between the two [in terms of the words used]. If we were to suppose either that it is indeclinable and ends with a vowelless consonant, or that it is a word whose pausal form is intrinsic to it, and that it thus needs to be pronounced with either a *fatha* or a *kasra* in order to avoid two vowelless consonants coming together, then the correct analogy would be to link the two words with a *kasra*, as when one says '*ani l-qawm*' ("from the people"), '*kami l-qawm*' ("How many people are there?"), '*akrimi l-rajul*' ("Treat the man well"), '*kuli l-raghīf*' ("Eat the loaf"), and so on.

Some people say that it is like the words *alif-lām-mīma llāhu* [Q.3:1], or when the Arabs say *mina l-rajul* ("from the man"), but this does not apply to the case in hand, because the Arabs say *mina l-rajuli* and *alif-lām-mīma llāhu* and the like, using a *fatha*, in order to avoid having two *kasras* coming one after the other in situations that regularly recur in the language, namely when the *lām* in question is that of the definite article. The proof of this is that they vocalise [the junction] according to the normal rule in [phrases such as] '*mini bnika*' ("from your son") and '*mini smi*' ("from the name of . . ."), which, because of their relative infrequency, they allow to follow the normal rule, while they allow the easier pronunciation of a *fatha* where the *lām* of the definite article is concerned because of the frequency of occurrence of this *lām* in their speech.<sup>8</sup> This reason does not apply to the matter we are concerned with here, because the *rā'* [of *akbaru*] is preceded by a *fatha* and therefore, by analogy, one would expect it to be vocalised



three different ways when saying just one *takbīr*, in front of both ordinary people and those with knowledge, without anyone seeking to correct them. The first is that they insert an interrogative *hamza* (i.e. a glottal stop) vocalised in this instance with the vowel *a*) in front of the word *Allāh*, so that they say *Āllāhu akbar?* ("Is Allah greater?"), which is *kufr*. The second is that they insert an interrogative *hamza* in front of the word *akbar*, so that they say *ākbar*, which is the equivalent of saying *a-huwa akbar?* ("Is he greater?"), which is also *kufr*. The third is that they insert an *alif* between the *bā'* and the *rā'* of *akbar*, so that they say *akbār*, which is the plural of either the verbal noun *kabr* ("exceeding someone else in age") or of the word *kabar*, which means a drum. Both of these meanings are *kufr* and cannot be said about the Creator, be He glorified and exalted.

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Those who explain [the *a*] by saying that it is a vowel which is supplied because two vowelless consonants have come together are far from the correct path. The same is true of those who say that it is due to the elision of the *hamzat al-waṣl* [at the beginning of the word *Allāh*]. This is because *hamzat al-waṣl* cannot exist in a non-pausal environment (*fī l-waṣl*), and so it is not possible to elide it: Allah has not created a *hamzat al-waṣl* in the speech of the Arabs whose vowel can be elided. We say this because any interpretation or explanation of a linguistic phenomenon must be dependent on that phenomenon occurring [in the first place]. The point here is that [*hamzat al-waṣl*] only ever occurs in a pausal environment, so how can it be vocalised with a preceding *fatha* or anything else?

If such a pronunciation [of the *adhān*], with liaison [between these two words], were to be heard among the Arabs, I would explain the correct grammar of it, on the basis of their [normal] speech, by saying that [the word *akbaru*] is a predicate, in the nominative case, which has been predicated about the word *Allāh*, since it is a declinable word and there is no reason to consider it indeclinable [and thus have an ending that does not change as its grammatical status changes], and [the word *Allāh*] does not cause it to bear either a *fatha* or a *kasra*, as is also the case in the *iqāma*<sup>7</sup> [where the same words are naturally run together], as there is no difference between the two [in terms of the words used]. If we were to suppose either that it is indeclinable and ends with a vowelless consonant, or that it is a word whose pausal form is intrinsic to it, and that it thus needs to be pronounced with either a *fatha* or a *kasra* in order to avoid two vowelless consonants coming together, then the correct analogy would be to link the two words with a *kasra*, as when one says *'ani l-qawm* ("from the people"), *kami l-qawm* ("How many people are there?"), *akrimi l-rajul* ("Treat the man well"), *kuli l-raghīf* ("Eat the loaf"), and so on.

Some people say that it is like the words *alif-lām-mīma llāhu* [Q.3:1], or when the Arabs say *mina l-rajul* ("from the man"), but this does not apply to the case in hand, because the Arabs say *mina l-rajuli* and *alif-lām-mīma llāhu* and the like, using a *fatha*, in order to avoid having two *kasras* coming one after the other in situations that regularly recur in the language, namely when the *lām* in question is that of the definite article. The proof of this is that they vocalise [the junction] according to the normal rule in [phrases such as] *mini bnika* ("from your son") and *mini smi* ("from the name of . . ."), which, because of their relative infrequency, they allow to follow the normal rule, while they allow the easier pronunciation of a *fatha* where the *lām* of the definite article is concerned because of the frequency of occurrence of this *lām* in their speech.<sup>8</sup> This reason does not apply to the matter we are concerned with here, because the *rā'* [of *akbaru*] is preceded by a *fatha* and therefore, by analogy, one would expect it to be vocalised



with a *kasra*, according to the normal rule when two vowelless consonants come together in two different words, as in the aforementioned examples of *‘ani l-rajul*, *kuli l-rahif*, and so on.

I seem to remember one scholar of our time telling me that al-Mubarrad allowed this possibility, but I have not come across this [anywhere else]. If al-Mubarrad transmitted this as something he had heard, then we consider it irregular (*shādhah*), both in terms of analogy and [common] usage, and so it should not be taken as a basis for [further] analogy nor should one rely on what he has recorded. If, on the other hand, it was simply al-Mubarrad's own personal analogy, then we do not consider it acceptable according to the rules of grammar, because the rules of grammar reject it.

I have heard many students saying that you must pronounce *akbar* with a *fatha* in this situation, and I seem to remember coming across it in a book somewhere. They say that it is like *alif lām mīma llāhu* and *mīna l-rajul*, but they have not verified the matter properly. We have already mentioned this above, abridged from the words of Ustadh Abū l-Ḥusayn ibn Abi l-Rabi' al-Andalusī al-Qurashī – may Allah have mercy on him.

### 7 The common error regarding pronunciation of the word *mi'a*

A common error, even among specialists here in Egypt, among whom we include educated people, judges, witnesses and others, is that they pronounce the word *mi'a* in the way that it is written according to the rules of spelling [i.e. *mīm-alif-hamza-tā' marbūta*]. That is, they pronounce the word with a *fatha* after the *mīm*, which then results in the pronunciation of an *alif* [i.e. a long *a* vowel], which is correctly there in the written form but is not meant to be pronounced, as they also change the *hamza* of the written form into a *yā'*, following the written form of the letter, and therefore end up saying *māya* when they read out the dates on letters etc. This is a bad mistake and a serious error, and suggests that they haven't even read the Qur'an, because Allah says, "And they stayed in their cave for three hundred years (*thalātha mi'atin sinīna*)" (Q.18:25),<sup>9</sup> "Then Allah caused him to be dead for a hundred years (*mi'ata āmin*)" (Q.2:259), "Punish each of them with a hundred lashes (*mi'ata jaldatin*)" (Q.24:2).<sup>10</sup>

The correct way of reading this word is to say *mi'a*, with a *kasra* after the *mīm*, followed by a *hamza* vocalised with a *fatha*, and then a *tā' marbūta*. It is not permissible to lengthen the *alif* for any reason. It is, however, permissible to elide the *hamza*, pronouncing it as a *yā'*. Ibn Mālik says [in his *Alfiyya*], "it can turn into a *yā'* if it comes after a *kasra*".<sup>11</sup>

Some people might ask: Why, if it is an *alif* that cannot be pronounced as a long vowel, is the word written with an *alif* after the *kasra* when there is no need for one?

I say: The scholars of the written form [of the text] say that it is written with an *alif* in order to differentiate [the written form of the word] *mi'a* from [that of] *minhu*, because if you were mentioning a date such as 500 (*kham-su-mi'a*), for example, and you wrote *mi'a* ("hundred") without an *alif*, it would look the same as *minhu*, and there would be a possible confusion in the written form between *kham-su-mi'a* and *kham-sun minhu*, since both have the same skeletal shape. [People] therefore differentiate between the two by using an *alif* for *mi'a*, in the same way that they differentiate between *‘Amr* and *‘Umar* by adding a *wāw* after *‘Amr*. And Allah knows best.

Here ends the Book of Support for Mālik and His *Madhhab*, by the grace of Allah and the help and success granted by Him. And may Allah bless our Master Muḥammad and all his family and Companions. Āmin.



## NOTES

### INTRODUCTION

- 1 *Mad.* B i. 61 / M i. 38. For various versions of the *ḥadīth* itself, see, for example, Muslim, ii. 185–6 [= tr. i. 86]; al-Tirmidhī, v. 18; Ibn Mājah, ii. 1319–20; al-Dārimī, ii. 311–12; Aḥmad, i. 390, ii. 55–6, iii. 340, v. 600.
- 2 ‘Iyāḍ, *Shifā*, ii. 88; cf. *Bayān*, xviii. 327 (where the same idea is quoted by Mālik from Wahb ibn Kaysān).
- 3 al-Murabit, *Root Islamic Education*, p. 172.
- 4 For various versions of this *ḥadīth*, see, for example, al-Bukhārī, iii. 498, v. 2, viii. 292, 424; al-Tirmidhī, iv. 500–1, 548–9, v. 695; Ibn Mājah, ii. 791; Aḥmad, ii. 139, iii. 4, 382, 523, vii. 211–12, 220, ix. 12.
- 5 See as-Sufi, *Letter*, pp. 9, 91.
- 6 See below, p. 26; also, for example, al-Bayjūrī, *Sharḥ Jawharat al-tawḥīd*, pp. 150–1, where the author mentions, in addition to the four main *madhabs*, those of al-Layth ibn Sa‘d, Dāwūd al-Zāhirī, Sufyān al-Thawrī, Ishāq ibn Rāhawayh, Muḥammad ibn Jarīr al-Ṭabarī and Sufyān ibn ‘Uyayna.
- 7 For a convenient overview of these eight schools of law and many of the other, now defunct, ones, see, for example, Crone, *Roman, Provincial and Islamic Law*, pp. 20–3.
- 8 Examples that immediately come to mind include: the redefinition of the time of the *fajr* prayer to accord with Astronomical Twilight (i.e. when the sun is 18 degrees below the horizon), the traditional distinction between “false” and “true” dawn being ignored; the redefinition of the beginning of Ramaḍān to accord with the first time in the lunar cycle when the moon sets after the sun, regardless of whether it is physically possible to see the moon, thus ignoring the *sunna* of actually sighting the new crescent moon; and, perhaps most blatantly of all, the acceptance of an intrinsically usurious monetary system based (originally) on paper money which, as one scholar has succinctly put it, “is imagined to exist for the purpose of charging interest upon it” (see Soddy, *Wealth*, p. 157; cited also in: Mark, *Modern Idolatry*, p. 85; Dutton, “Environmental Crisis”, p. 334), and which is thus far removed from any truly Islamic system where *ribā* is to be stringently avoided.

### PART I

#### 1 THE AUTHOR OF THE INTIṢĀR

- 1 See *Daw’*, ix. 203; *Nafḥ*, ii. 694; *Intiṣār*, Introduction, p. 43.
- 2 See *Daw’*, ix. 203; *Nafḥ*, ii. 694; *Shadharāt*, vii. 279; *Intiṣār*, Introduction, p. 43.

## NOTES

- 3 See *Daw’*, ix. 203; *Nafḥ*, ii. 694; Makhluḥ, i. 248; *Intiṣār*, Introduction, p. 40.
- 4 See *Daw’*, ix. 203; *Nafḥ*, ii. 694; Makhluḥ, i. 248; *Intiṣār*, Introduction, pp. 41–2.
- 5 See *Nayl*, pp. 207 (where “al-Rā‘ī” is mistakenly spelled “al-Dā‘ī”), 310; *Nafḥ*, ii. 697; Makhluḥ, i. 248; *Intiṣār*, Introduction, p. 39.
- 6 See below, pp. 38 and 95.
- 7 See *Nafḥ*, ii. 697 (citing al-Rā‘ī’s ‘*Unwān al-ifāda*’); *Intiṣār*, Introduction, pp. 28–30 (citing al-Rā‘ī’s *al-Ajwiba al-marḍiyya* and also mentioning ‘*Unwān al-ifāda*’). Al-Maqqarī’s reference to this mosque as the Jāmi‘, i.e. Friday mosque, of Granada (see *Nafḥ*, ii. 697), indicates that the Qaysariyya Mosque in this anecdote is the same as the Grand Mosque (*al-jāmi‘ al-kabīr*) of Granada which stood on the site now occupied by the present-day Cathedral, which lies immediately to the north of the area still known as the Alcaicería.
- 8 See *Intiṣār*, Introduction, pp. 28–9 (citing al-Rā‘ī’s *al-Ajwiba al-marḍiyya*).
- 9 See *Nayl*, pp. 308, 310 (where his name is given as “Ibn al-Qāsim al-Sirāj”); Makhluḥ, i. 248; *Intiṣār*, Introduction, p. 40.
- 10 See below, p. 27.
- 11 See *Intiṣār*, Introduction, p. 29, referring to al-Rā‘ī’s *al-Ajwiba al-marḍiyya*. For the Grand Mosque, see n. 7 above.
- 12 See *Nayl*, p. 54; *Intiṣār*, Introduction, pp. 40–1.
- 13 See *Intiṣār*, Introduction, pp. 29, 41, n. 3, referring to al-Rā‘ī’s *al-Ajwiba al-marḍiyya*. The Yūsufiyya Madrasa, built by the Naṣrid ruler Yūsuf I in 750/1349 (see *EI* (2), v. 1128, 1149), was situated next to the Grand Mosque in Granada (for which see n. 7 above). Although the original building was altered considerably after the Reconquista, its basic form remains, and a restored prayer room, or “Mihrab”, survives today and can be visited.
- 14 See *Daw’*, ix. 203; *Nafḥ*, ii. 694–5; also Makhluḥ, i. 248.
- 15 See *Nayl*, p. 224; Makhluḥ, i. 255; *Intiṣār*, Introduction, p. 45; also *Daw’*, vi. 181.
- 16 See *Nayl*, p. 306.
- 17 See *Nayl*, p. 293.
- 18 See *Daw’*, v. 63.
- 19 See *Daw’*, xi. 28–9.
- 20 See *Daw’*, vii. 46.
- 21 For these two motives of seeking knowledge and stable political conditions, see, for example, Petry, *Civilian Elite*, pp. 34–6, 77–8. In his *Muqaddima*, Ibn Khaldūn, himself an emigrant from the Maghrib to Cairo, notes a further, economic, motive for some people:

We hear astonishing things about conditions in Cairo and Egypt and the luxury and wealth [apparent] in the customs of the people there, so much so that many of the poor in the Maghrib wish to go to live in Egypt because of that and because they hear that the general standard of living in Egypt is better than it is anywhere else.

(Ibn Khaldūn, *Muqaddima*, p. 362 [= tr. Rosenthal, ii. 274; also Creswell, *Muslim Architecture*, ii. 229])

- 22 See *Intiṣār*, Introduction, p. 33. For *ijāzas* and the direct personal relationship they presuppose between teacher and pupil, see, for instance, Makdisi, *Colleges*, pp. 147–8; Berkey, *Transmission*, pp. 31–3 (and the further references in n. 43 therein); Witkam, “The Human Element”, pp. 123–6 (and the further references in n. 1 therein).
- 23 See *Intiṣār*, Introduction, p. 33, citing al-Rā‘ī’s *al-Ajwiba al-marḍiyya*.



- 24 For the Šālihiyya Madrasa (parts of which still survive), which was founded by the sultan al-Šāliḥ Najm al-Dīn Ayyūb in 641/1243–4 and which was the first madrasa in Egypt where *fiqh* was taught according to all four Sunni madhabs, see, for example, Creswell, *Muslim Architecture*, ii. 94–100, and Plates 33–34; Behrens-Abouseif, *Islamic Architecture*, pp. 87–90; Petry, *Civilian Elite*, pp. 330–331 [= no. 26 on the map on p. 169]; Jackson, *Islamic Law and the State*, p. 40.
- 25 For this burial-ground and the Mamluk tombs in the area, see, for example, Petry, *Civilian Elite*, p. 340 [= no. 202 on the maps on pp. 170 and 171; also nos. 120–5 on the map on p. 170].
- 26 *Dawʿ*, ix. 203; *Nafh*, ii. 695; also *Shadharāt*, vii. 279.
- 27 See Behrens-Abouseif, *Islamic Architecture*, p. 138.
- 28 Petry, *Civilian Elite*, p. 336.
- 29 For the Muʾayyadiyya Madrasa (parts of which still survive) and its use, see, for example, Behrens-Abouseif, *Islamic Architecture*, pp. 138–40; Petry, *Civilian Elite*, pp. 259, 336 [= no. 51 on the map on p. 169]; also Berkey, *Transmission*, p. 84.
- 30 Petry, *Civilian Elite*, p. 75.
- 31 Berkey, *Transmission*, pp. 95–6.
- 32 Petry, *Civilian Elite*, p. 336.
- 33 See Rahmani, “Life and Works”, pp. 108–9 [= *Islamic Culture*, xlv (1972), pp. 266–7], where we are told that Ibn Ḥajar was first appointed to the Muʾayyadiyya Madrasa in 822/1419, but was then discharged shortly afterwards by the sultan on the strength of a forged document saying that a *qādī* could not be a teacher in the Muʾayyadiyya; he was, however, reinstated after it was found that the original document contained no such clause.
- 34 For Ibn Ḥajar’s many teaching appointments, see, for example, *Dawʿ*, ii. 38–9; Rahmani, “Life and Works”, pp. 105–20 [= *Islamic Culture*, xlv (1972), pp. 265–72]; Berkey, *Transmission*, pp. 45, 87, 112 (esp. n. 42).
- 35 See *Dawʿ*, ix. 203; *Nafh*, ii. 695.
- 36 See below, p. 113.
- 37 See *Nayl*, p. 310; *Nafh*, ii. 696; *Shadharāt*, vii. 279; Makhlūf, i. 248 (where the name is mistakenly given as “Ibn Fihri”). The editor of our text (*Intiṣār*, Introduction, p. 60) assumes that the “Ibn Fahd” being referred to by the biographers is actually Najm al-Dīn’s father, Taqī al-Dīn (d. 871/1466), also known as “Ibn Fahd”, but this seems less likely as Taqī al-Dīn spent most of his life in the Hijaz (see *Dawʿ*, ix. 281–2), and, although he could have met and studied under al-Rāʿī in Makka, al-Rāʿī’s main teaching activities were in Cairo, especially during the period when Najm al-Dīn was visiting there and studying under its shaykhs (for which visits, see *Dawʿ*, vi. 127–8). It may also be mentioned that Taqī al-Dīn, having been born only five years after al-Rāʿī in 787/1385, was effectively of the same generation as al-Rāʿī, whereas Najm al-Dīn, having been born in 812/1409, was of the same generation as the other students highlighted by the biographers.
- 38 See *Nayl*, p. 310; *Nafh*, ii. 696; Makhlūf, i. 248.
- 39 See, for instance, *Dawʿ*, i. 101–11, while noting the editor’s comment on p. 101, n. 2; and, for a more positive view, *Shadharāt*, vii. 339–40.
- 40 See *GAL*, ii. 142, S ii. 177.
- 41 See *Dawʿ*, i. 88; *Nayl*, p. 80 (where there is no mention of him studying under al-Rāʿī).
- 42 See *Dawʿ*, v. 249; *Nayl*, p. 208; Makhlūf, i. 258.
- 43 See *Dawʿ*, ix. 203; *Nayl*, p. 310; *Nafh*, ii. 696; Makhlūf, i. 248.
- 44 See *Nayl*, p. 310; *Nafh*, ii. 696.
- 45 The *Ajwiba* exists in manuscript form in at least two copies in the Dār al-Kutub al-Waṭaniyya in Tunis, Nos 21165 and 9322. It and the *Nawāzil* are assumed

- to be different books by al-Ziriklī (*Aʿlām*, vii. 47) and al-Baghdādī (*Hadiyyat al-ʿarifīn*, ii. 198), but the editor of our text concludes that this is not the case on the basis that: (a) the biographers mention the *Nawāzil* in addition to their mention of a commentary by al-Rāʿī on the *Alfiyya* (and others on the *Ājurrūmiyya* and the *Qawāʿid*), thus indicating that the *Nawāzil* is not the same as his commentary on the *Alfiyya*; (b) that the terms *ajwiba* and *nawāzil* are effectively interchangeable, and thus the two titles are likely to represent the same book; and (c) that al-Rāʿī, in his *Ajwiba*, refers to a commentary by himself on the *Alfiyya*, entitled *Futūḥ al-madārik* (see further below), thus again indicating – assuming only one commentary by him on the *Alfiyya* – that the two books are distinct (see *Intiṣār*, Introduction, p. 56).
- 46 See *Intiṣār*, Introduction, pp. 54 and 56, citing al-Rāʿī’s *Ajwiba*. We note here that Petry (*Civilian Elite*, p. 76), relying on a non-specific reference to “the *Alfiyya*” in al-Sakhāwī’s biographical notice on al-Rāʿī (*Dawʿ*, ix. 203), is incorrect in attributing this particular *Alfiyya* to al-Zayn al-ʿIrāqī.
- 47 Copies of both of these exist in manuscript form in the Dār al-Kutub al-Waṭaniyya in Tunis (Nos 8121 and 7364 respectively).
- 48 See *Intiṣār*, Introduction, pp. 53–4, where he cites the copyist of *al-Mustaḥṣil bi-l-mafhūmiyya* (Tunis MS 7364, f. 103b) as mentioning that al-Rāʿī wrote three commentaries on the *Ājurrūmiyya*. General reference to a commentary (or commentaries) by him on the *Ājurrūmiyya* occurs in, for instance, *Dawʿ*, ix. 203; *Nayl*, p. 310; *Nafh*, ii. 695; *Shadharāt*, vii. 279; Makhlūf, i. 248 (“two commentaries”).
- 49 See *Dawʿ*, ix. 203; *Nayl*, p. 310; *Nafh*, ii. 695; Makhlūf, i. 248.
- 50 See *Nayl*, p. 310; *Nafh*, ii. 697; Makhlūf, i. 248.
- 51 See *Nafh*, ii. 699; also Makhlūf, i. 248 (where the title is given as *al-Faḥ al-munīr li-mā yahtāju ilayhi l-faqr*).
- 52 See, for instance, *Dawʿ*, ix. 203–4; *Nafh*, ii. 695–6.
- 53 See below, pp. 24–5 and 34. Some additional lines by the author are also mentioned on p. 98.
- 54 The manuscript in question, British Library MS Or. 6508, is described on f. 1a as being *Alfiyyat Ibn al-Rāʿī* (“the *Alfiyya* of al-Rāʿī’s son”) and, in lines 7 and 8 of the poem (f. 1b), the author speaks of “Muḥammad who is known as al-Rāʿī” (*Muḥammadun shuhratuhu bi-l-Rāʿī*) as being his deceased father (*al-wālid al-marḥūm*). Cf. *GAL*, S ii. 100; Ziriklī, *Aʿlām*, vii. 47.

## 2 THE INTIṢĀR AND ITS SIGNIFICANCE

- 1 For the Bayn al-Qaṣrayn district of Cairo, see, for example, Petry, *Civilian Elite*, p. 131 [= no. 145 on the map on p. 169].
- 2 See *EI* (2), v. 1127.
- 3 See above, p. 9.
- 4 For Shāfiʿī dominance during the Ayyūbid and later periods see, for example, Jackson, *Islamic Law and the State*, pp. 6, 53–6.
- 5 See below, p. 72.
- 6 For reference to this non-textual sense of *sunna* among early scholars, see, for example, Dutton, *Origins*, esp. pp. 157–67 (Mālik); Schacht, *Origins*, pp. 70–3 (al-Awzāʿī); Spectorsky, “Sunnah”, pp. 51–74 (Ishāq ibn Rāḥawayh). Schacht’s general overview of pre-Shāfiʿite *sunna* (*Origins*, pp. 58–81) is useful in this respect, but suffers from the false assumption that this “non-textual” *sunna* is also non-Prophetic, which cannot be sustained.
- 7 E.g. *Muw.* i. 206 [= tr. 17.22] (also Dutton, *Origins*, p. 148), referring to there being no *zakāt* on fresh fruit or vegetables. For a complete list of such *sunna*



- phrases in the *Muwatta*<sup>2</sup>, see Abd-Allah, "Mālik's Concept of 'Amal", pp. 770-4, and pp. 549-82 for a detailed study of several examples.
- 8 See *Muw.* ii. 30 [= tr. 29.22.63]. For other instances of Mālik overtly using the word *ḥadīth* for a specific report, see, for example, *Muw.* i. 62 [= tr. 2.29.110], i. 95 [= tr. 5.1.5], i. 149 [= tr. 11.1.4], i. 255 [= tr. 20.24.79], i. 298 [= tr. 21.4.12], i. 322 [= tr. 23.5.10], ii. 80-1 [= tr. 31.39.84], ii. 233 [= tr. 51.3.8], ii. 260 [= tr. 58.2.12].
- 9 See al-Shāfi'ī, *Umm*, vii. 303-4; also Schacht, *Origins*, p. 74.
- 10 al-Shāfi'ī, *Umm*, vii. 214.
- 11 al-Shāfi'ī, *Umm*, vii. 217 (margin).
- 12 See below, p. 79.
- 13 *Mad.* M ii. 124 / B i. 224-5; also Dutton, *Origins*, p. 43.
- 14 See *Muw.* ii. 7 [= tr. 28.9.23]; Ibn Taymiyya, *Fatāwī*, xx. 312 [= tr. pp. 17-18]; Dutton, *Origins*, pp. 38, 195 (n. 7); also: *Bayān*, xvii. 134-7 (where a second issue involving Ibn Mas'ūd is also discussed); *Mad.* B i. 62/M i. 39.
- 15 See below, p. 48.
- 16 See below, p. 96.
- 17 See *Mad.* B i. 67 / M i. 46.
- 18 See below, p. 72.
- 19 See Ibn Khaldūn, *Muqaddima*, p. 446 [= tr. iii. 4].
- 20 See, for example, *Mad.* B i. 234 / M ii. 141.
- 21 See Ibn Sa'd, *Ṭabaqāt*, *qism mutammim*, p. 171.
- 22 See, for example, Abū Nu'aym, *Hilya*, vi. 329; Ibn 'Abd al-Barr, *Tamhīd*, i. 76-7, 78-9.
- 23 For al-Shāfi'ī's life and travels, see, for instance, Khadduri, *Al-Shāfi'ī's Risāla*, pp. 8-16.
- 24 For this judgement, see *Mud.* i. 74; and, for the *ḥadīths*, *Muw.* i. 133 [= tr. 9.15.49-50]. For a more detailed examination of this point, see Dutton, "Amal v. *Ḥadīth*", 13-40; also idem, *Origins*, p. 46.
- 25 For examples, see Dutton, *Origins*, pp. 33-52, esp. 45-50; also below, pp. 82 ff.
- 26 Abd-Allāh ("Concept", pp. 762-4) lists fourteen restrictions that Abū Ḥanīfa put upon the acceptance of "isolated" *ḥadīth* (i.e. *akhbār al-āḥād*).
- 27 See, for example, al-Qarāfī, *Dhakhīra*, i. 146; Ibn Farḥūn, *Tabṣira*, i. 50.
- 28 Lowry, in his work on al-Shāfi'ī's *Risāla*, has come to the (convincing) conclusion, against Schacht's and Calder's idea that "Shāfi'ī has (at least) two kinds of *ijmā'*, one formed by the Muslims at large and one formed by the scholars alone", that "for Shāfi'ī, *ijmā'* always represents the opinion of scholars" (see Lowry, "Does Shāfi'ī Have a Theory?", p. 39, esp. n. 37).
- 29 See Ibn Mājah, ii. 1303.
- 30 Although some doubt has been expressed recently, by Hallaq and Lowry in particular, about whether al-Shāfi'ī is actually the originator of a "four-sources" theory of law (see Hallaq, "Was al-Shāfi'ī the Master Architect?"; idem, *Origins*, pp. 117-20, 128; Lowry, "Does Shāfi'ī Have a Theory?"), there is no denying that al-Shāfi'ī does mention all these four sources in his *Risāla* – as Lowry's citations and Hallaq's argument clearly demonstrate – and does seem to condemn any method beyond them (such as *istihsān*, or "what someone deems good", for example) as being too far divorced from the revealed texts (*bayān*) that for him should form the sole basis of Islamic law. Thus, at the very least, al-Shāfi'ī can be credited, as Hallaq allows, with "advocat[ing] the [four-sources] Synthesis in a rudimentary form" (Hallaq, *Origins*, p. 128). More importantly, it is clear that, as mentioned above, al-Shāfi'ī rejected Madinan 'amal as a valid source of *sunna* and proposed in its stead the idea that *sunna* be equated with authentic *ḥadīth*.

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- 32 See, for example, Melchert, *Formation*, pp. 137ff, esp. p. 143, where al-Dhahabī is quoted as saying: "Before him [i.e. Abū Bakr al-Khallāl (d. 311/923)], there was no independent school (*madhhab mustaqill*) of the imam's; not until he followed up Aḥmad's texts, wrote them down, and checked their proofs (*barhamahā*) after 300."
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## PART II

## AUTHOR'S INTRODUCTION

- 1 For the *ḥadīth* to this effect, see al-Bukhārī, ix. 330; Muslim, xii. 13 [= tr. iii. 930]; Abū Dāwūd, iii. 216; al-Tirmidhī, iii. 606; al-Nasā'ī, viii. 223-4; Ibn Mājah, ii. 776; Aḥmad, vi. 230, 243, 244.
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## 1 ON GIVING PREFERENCE TO MĀLIK

- 1 I have not found this *ḥadīth* in the standard sources, but cf. Aḥmad, viii. 412: "Whoever does not honour our old people, have mercy on our young ones, and acknowledge [the worth of] our scholars, is not one of my community."
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phrases in the *Muwatta'*, see Abd-Allah, "Mālik's Concept of 'Amal", pp. 771-4, and pp. 549-82 for a detailed study of several examples.

- 8 See *Muw.* ii. 30 [= tr. 29.22.63]. For other instances of Mālik overtly using the word *ḥadīth* for a specific report, see, for example, *Muw.* i. 62 [= tr. 2.29.110], i. 95 [= tr. 5.1.5], i. 149 [= tr. 11.1.4], i. 255 [= tr. 20.24.79], i. 298 [= tr. 21.4.12], i. 322 [= tr. 23.5.10], ii. 80-1 [= tr. 31.39.84], ii. 233 [= tr. 51.3.8], ii. 260 [= tr. 58.2.12].
- 9 See al-Shāfi'ī, *Umm*, vii. 303-4; also Schacht, *Origins*, p. 74.
- 10 al-Shāfi'ī, *Umm*, vii. 214.
- 11 al-Shāfi'ī, *Umm*, vii. 217 (margin).
- 12 See below, p. 79.
- 13 *Mad.* M ii. 124 / B i. 224-5; also Dutton, *Origins*, p. 43.
- 14 See *Muw.* ii. 7 [= tr. 28.9.23]; Ibn Taymiyya, *Fatāwī*, xx. 312 [= tr. pp. 17-18]; Dutton, *Origins*, pp. 38, 195 (n. 7); also: *Bayān*, xvii. 134-7 (where a second issue involving Ibn Mas'ūd is also discussed); *Mad.* B i. 62/M i. 39.
- 15 See below, p. 48.
- 16 See below, p. 96.
- 17 See *Mad.* B i. 67 / M i. 46.
- 18 See below, p. 72.
- 19 See Ibn Khaldūn, *Muqaddima*, p. 446 [= tr. iii. 4].
- 20 See, for example, *Mad.* B i. 234 / M ii. 141.
- 21 See Ibn Sa'd, *Ṭabaqāt*, *qism mutammim*, p. 171.
- 22 See, for example, Abū Nu'aym, *Hilya*, vi. 329; Ibn 'Abd al-Barr, *Tamhīd*, i. 76-7, 78-9.
- 23 For al-Shāfi'ī's life and travels, see, for instance, Khadduri, *Al-Shāfi'ī's Risāla*, pp. 8-16.
- 24 For this judgement, see *Mud.* i. 74; and, for the *ḥadīths*, *Muw.* i. 133 [= tr. 9.15.49-50]. For a more detailed examination of this point, see Dutton, "Amal v. *Ḥadīth*", 13-40; also idem, *Origins*, p. 46.
- 25 For examples, see Dutton, *Origins*, pp. 33-52, esp. 45-50; also below, pp. 82 ff.
- 26 Abd-Allāh ("Concept", pp. 762-4) lists fourteen restrictions that Abū Ḥanīfa put upon the acceptance of "isolated" *ḥadīth* (i.e. *akḥbār al-āḥād*).
- 27 See, for example, al-Qarāfī, *Dhakhīra*, i. 146; Ibn Farḥūn, *Tabṣira*, i. 50.
- 28 Lowry, in his work on al-Shāfi'ī's *Risāla*, has come to the (convincing) conclusion, against Schacht's and Calder's idea that "Shāfi'ī has (at least) two kinds of *ijmā'*, one formed by the Muslims at large and one formed by the scholars alone", that "for Shāfi'ī, *ijmā'* always represents the opinion of scholars" (see Lowry, "Does Shāfi'ī Have a Theory?", p. 39, esp. n. 37).
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# NOTES

- Rosenthal himself has preferred to use the long vowel, following Ibn Farḥūn and Yāqūt al-Ḥamawī (see Ibn Khaldūn, *Muqaddima*, tr. Rosenthal, iii. 18, n. 204; *Dībāj*, p. 143; Yāqūt al-Ḥamawī, *Muʿjam al-buldān*, v. 212 [= ed. Wüstenfeld, iii. 232]).
- 3 al-Tirmidhī, v. 50. Cf. Abū Dāwūd, iii. 235; al-Tirmidhī, v. 49; Ibn Mājah, i. 81; al-Dārimī, i. 98; Aḥmad, viii. 167 ("The excellence of an ʿālim over a worshipper is as the excellence of the moon over all the other stars").
  - 4 I have not come across this ḥadīth in the standard sources, but one often hears it mentioned. (For one example of its mention, see Aḥmad ibn ʿAṭāʾillāh al-Iskandarī, *Laṭāʾif al-minan*, p. 18.)
  - 5 al-Bukhārī, i. 59 (in chapter heading); Abū Dāwūd, iii. 235; al-Tirmidhī, v. 49; Ibn Mājah, i. 81; al-Dārimī, i. 98; Aḥmad, viii. 167.
  - 6 al-Tirmidhī, v. 48; Ibn Mājah, i. 81.
  - 7 See below, pp. 35–6.
  - 8 See, for example, al-Tirmidhī, v. 47–8; Aḥmad, iii. 160.
  - 9 ʿIyād (*Mad.* B i. 82 / M i. 69) notes that this ḥadīth is related by al-Nasāʾī "in his *Muṣannaf*". I have not been able to trace it in his *Sunan*.
  - 10 For these and other versions, see *Mad.* B i. 82–3 / M i. 68–70; also below, pp. 28–31.
  - 11 Cf. *Mad.* B i. 85 / M i. 72.
  - 12 Similar statements are attributed to Sufyān ibn ʿUyayna (see below, p. 41).
  - 13 Reading *wa-qāla baʿduhum*, as in MS Algiers 1354, f. 4a, rather than *qāla* ("he said") as in the printed text, p. 130.
  - 14 In *Tahdhīb*, x. 8, this statement is attributed to Wuhayb [ibn Khālid?].
  - 15 This statement is attributed to Yaḥyā ibn Maʿīn (see below, p. 41), although similar statements are also attributed to Aḥmad ibn Ḥanbal and Sufyān ibn ʿUyayna (see below, pp. 37, 38 [Aḥmad] and 41 [Sufyān]).
  - 16 This statement, in various versions, is attributed to al-Shāfiʿī (see below, pp. 37 and 55).
  - 17 Although both the printed text, p. 131, and MS Algiers 1354, f. 4b, have "ibn Isrāʾīl", this should presumably read Ishāq ibn Abī Isrāʾīl, as in *Mad.* B i. 83 / M i. 71, referring to the famous Baghdādī ḥadīth scholar of that name.
  - 18 For this judgement of Sufyān, see also *Tamhīd*, i. 84.
  - 19 This is a somewhat condensed version of the passage as it occurs in the *Madārik*, for which see *Mad.* B i. 82–3 / M i. 68–71.
  - 20 Cf. *Mad.* B i. 84 / M i. 73.
  - 21 Cf. *Mad.* B i. 85 / M i. 72.
  - 22 *Mad.* B i. 85 / M i. 73.
  - 23 Ibn ʿAbd al-Barr transmits this ḥadīth with this *isnād* in his *Tamhīd* (i. 85).
  - 24 Reading *bi-annahū*, as in *Mad.* B i. 85 / M i. 73 and MS Algiers 1354, f. 5b, rather than *fa-innahū*, as in the printed text, p. 136.
  - 25 Reading *taʿwīlulhum ʿalayhi*, as in *Mad.* B i. 85 / M i. 73, rather than *taqlidulhum lahu*, as in the printed text, p. 136, and MS Algiers 1354, f. 5b.
  - 26 *Mad.* B i. 85–6 / M i. 73–4.
  - 27 Muslim, xiii. 68 [= tr. iii. 1062].
  - 28 For various other versions of this and the preceding ḥadīth, but without any mention of "the West" (*gharblmaghrib*), see, for example, al-Bukhārī, iv. 223–4, 534–5, ix. 309, 414 (2x); Muslim, xiii. 65–8 [= tr. iii. 1061–2]; Abū Dāwūd, ii. 296, iv. 79–80; al-Tirmidhī, iv. 485, 504–5; Ibn Mājah, i. 4–6; al-Dārimī, ii. 213; Aḥmad, iii. 207, v. 113, 190, vi. 17, 23, 28, 32 (2x), 39, 327, 333, 341, vii. 80, 198, 214, viii. 310, 326, 328.

# NOTES

- 29 Both the printed text, p. 137, and MS Algiers 1354, f. 6a, read *al-gharb al-jawānī* (?): the meaning of *al-jawānī* is unclear to me.
- 30 These lines are cited by al-Maqqarī, with slight differences, in his *Nafḥ* (ii. 696).
- 31 See below, p. 37.
- 32 *Mad.* B i. 131 / M i. 152.
- 33 Reading *ṣadaqa*, as in the *Madārik* and MS Algiers 1354, f. 7a, rather than *ṣadaqta*, as in the printed text, p. 139.
- 34 *Mad.* B i. 128–9 / M i. 147.
- 35 *Mad.* B i. 86 / M i. 75–6. See also *ibid.* B i. 130, 141, 164 / M i. 149–50, 171–2, ii. 30.
- 36 *Mad.* B i. 141 (also 130) / M i. 171 (also 150).
- 37 The printed text, p. 141, and MS Algiers 1354, f. 7b, have *yurīdu l-taʿassī*, without an initial *wāw*, implying an explanation of the preceding phrase (i.e. "meaning that he would follow"). However, *Mad.* B i. 91 / M i. 83, the text that is being quoted here, has *wa-yurīdu l-taʿassī*, indicating an addition to the preceding phrase, as translated here. (But note also *Mad.* B i. 131 / M i. 151, where a slightly different version of the story reads *yurīdu yataʿassā*, without the *wāw*.)
- 38 *Mad.* B i. 90–1 (also 131) / M i. 82–4 (also 150–1). Cf. *Ḥilya*, vi. 329; *Tamhīd*, i. 74; al-Qarāfī, *Dhakhira*, i. 32 (where al-Shāfiʿī's interlocutor is named as Abū Yūsuf rather than al-Shaybānī).
- 39 *Mad.* B i. 130 / M i. 149.
- 40 See, for example, *Mad.* B i. 130 / M i. 149.
- 41 See, for example, *Mad.* B i. 191 / M ii. 70; also above, p. 29 and below, p. 55.
- 42 See, for example, *Mad.* B i. 191 / M ii. 70.
- 43 See, for example, *Mad.* B i. 180 / M ii. 53 (where the text says *wa-yuqālu Miṣr* ["and it is said, from Egypt"] instead of *wa-bighālī Miṣr* ["and Egyptian mules"], as in the printed text, p. 143, and MS Algiers 1354, f. 8a).
- 44 See, for example, *Mad.* B i. 238 / M ii. 148; also *Ḥilya*, vi. 330.
- 45 *Ḥilya*, vi. 322. See also *Mad.* B i. 130 / M i. 150.
- 46 Cf. *Mad.* B i. 87, 132–3 / M i. 76, 154–5.
- 47 This presumably refers to al-Rāʿī's shaykh in Granada, Abū l-Ḥasan ʿAlī ibn Muḥammad ibn Samʿat (?).
- 48 For this ḥadīth, see, for example, al-Nawawī, *al-Arbaʿīn ḥadīth*, Hadith No. 7 (related by Muslim).
- 49 *Mad.* B i. 86–7 / M i. 76.
- 50 *Mad.* B i. 132, 169 / M i. 154, ii. 38.
- 51 *Mad.* B i. 132–3 / M i. 154.
- 52 *Mad.* B i. 133 / M i. 154–5.
- 53 *Mad.* B i. 169–70 / M ii. 38.
- 54 *Mad.* B i. 191 / M ii. 70 (where the name "Ibn Ḥanbal" is missing); also *Ḥilya*, vi. 322.
- 55 *Mad.* B i. 88 (incomplete), 139 / M i. 79, 169. There are some slight differences between the two versions in the *Madārik* and that of our text.
- 56 *Mad.* B i. 140 / M i. 170.
- 57 See, for example, *Mad.* B i. 143 / M i. 175.
- 58 See, for example, *Mad.* B i. 143 / M i. 175.
- 59 See, for example, *Mad.* B i. 168 / M ii. 35.
- 60 In the printed text, p. 149: "Sanad (?) ibn ʿInān al-Azdī"; in MS Algiers 1354, f. 9b: "Sanad (?) ibn ʿAffān al-Asadī". Elsewhere in the printed text, p. 321 (see below, p. 144), the *nisba* is given as "al-Asadī". The same variation occurs in the biographical sources (see Biographical notes).
- 61 See *Mad.* B i. 95 / M i. 90; also below, pp. 51 and 71.



## NOTES

- 62 See, for example, *Mad.* B i. 257 (also 164) / M ii. 174 (also 29).  
 63 See, for example, *Mad.* B i. 87 / M i. 78; also *Mad.* B i. 138 / M i. 168.  
 64 See, for example, *Mad.* B i. 87 (also 138) / M i. 79 (also 168).  
 65 See, for example, *Mad.* B i. 87 / M i. 78 (also 160).  
 66 See, for example, *Mad.* B i. 86 / M i. 75.  
 67 See, for example, *Mad.* B i. 86 / M i. 75; also *Mad.* B i. 130, 138 / M i. 144-4.  
 68 See, for example, *Mad.* B i. 87 / M i. 77.  
 69 In the printed text, p. 151, and MS Algiers 1354, f. 10a: "Sa'id ibn al-Hadhadh". The (presumably) correct form is taken from the *Madarik*.  
 70 See, for example, *Mad.* B i. 87 / M i. 77, 160.  
 71 See, for example, *Mad.* B i. 86 / M i. 76.  
 72 See, for example, *Mad.* B i. 86 (also 131) / M i. 76 (also 151).  
 73 *Mad.* B i. 131-2 / M i. 152.  
 74 In his *Tamhid* (i. 72), Ibn 'Abd al-Barr specifies that this refers to Hammād ibn Abī Sulaymān. See also below, p. 55.  
 75 *Mad.* B i. 132 / M i. 153.  
 76 This phrase, which is not in al-Rā'i's text, is added from the *Madarik*.  
 77 See, for example, *Mad.* B i. 191 / M ii. 70-1.  
 78 Reading *wa-ʿalā bni Abī Ṭālib*, as it seems to be in MS Algiers 1354, f. 10b, rather than *wa-ʿAlī ibn Abī Ṭālib*, as in the printed text, p. 153. It is very uncertain what the correct form of the two last names in the list should be. In *Mad.* B i. 212 / M ii. 102, they are given as "Ibn Ḥasan al-ʿAlawī and Ibn Abī ʿAlī al-Lahabī / al-Lahālī". Zambaur (p. 24 [French] = p. 36 [Arabic]) notes that "al-Ḥasan ibn Zayd ibn al-Ḥasan ibn ʿAlī, ʿAlawī" was the governor of Madina from 150 to 155 AH, and our "Abū l-Ḥasan / Ibn Ḥasan al-ʿAlawī" could well be his son. As for the third man, there is reference to a "Muṭṭalīb, the governor of Madina", in *Mad.* B i. 143 / M i. 174, although there is no mention of such a name in Zambaur's list of governors.  
 79 See, for example, *Mad.* B i. 212-13 / M ii. 102. For a different version, with the three people named as al-Mughīra al-Makhzūmī, ʿAbd al-Rahmān ibn ʿAbdallāh al-ʿUmarī (a *qādī* during the time of al-Rashīd) and Saʿīd ibn Sulaymān al-Musāḥiqī al-ʿAmirī (a *qādī* during the time of al-Mahdī and retained by al-Rashīd), and the caliph named as al-Rashīd, see *Mad.* B i. 220-1, 285 / M ii. 113-14, iii. 7. ("ʿAbd al-Rahmān ibn ʿUbaydallāh" in *Mad.* B i. 285 / M iii. 7 should presumably read "ʿAbd al-Rahmān ibn ʿAbdallāh", as also in *Mad.* B i. 269 / M ii. 204.)  
 80 See, for example, *Mad.* B i. 96 / M i. 91.  
 81 See, for example, *Mad.* B i. 163 / M ii. 28.  
 82 See, for example, *Mad.* B i. 163 / M ii. 28.  
 83 Cf. *Mad.* B i. 142 / M i. 174.  
 84 See, for example, *Mad.* B i. 167-8 / M ii. 35.  
 85 This is not in our text, p. 156, nor in MS Algiers 1354, f. 11a, but the context, and what is mentioned later (see below, p. 149), seems to demand it.  
 86 For reports to this effect, see, for example, *Mad.* B i. 154 / M ii. 14-15.  
 87 Cf. *Mad.* B i. 181 / M ii. 55.  
 88 al-Qarāfī, *Dhakhīra*, i. 32.  
 89 See, for example, *Mad.* B i. 168 / M ii. 35; also *Mad.* B i. 178 / M ii. 51.  
 90 See, for example, *Mad.* B i. 178 / M ii. 50.  
 91 See, for example, *Mad.* B i. 178 / M ii. 51.  
 92 See, for example, *Mad.* B i. 180 / M ii. 53.  
 93 See, for example, *Mad.* B i. 185 / M ii. 61.

## NOTES

- 94 Cf. *Mad.* M i. 160.  
 95 Cf. *Mad.* B i. 131 / M i. 152, where the three names mentioned are Mālik, Ibn Abī Laylā and Abū Ḥanīfa.  
 96 See, for example, *Dībāj*, p. 28, where the report continues: "Then I woke up, and we wrote the verses down by the light of the lamp. Then we heard the announcement that Mālik had died."  
 97 See, for example, *Mad.* B i. 246 / M ii. 161.  
 98 Cf. *Mad.* B i. 383-4 / M iii. 176-7.  
 99 *Mad.* B i. 143 / M i. 175-7 (where the text mistakenly has "Hammām", rather than "Hishām" as in our printed text, p. 162, and MS Algiers 1354, f. 13a). For Hishām ibn ʿUrwa (d. 146 AH) relating from Mālik, see *Mad.* B i. 255 / M ii. 171.  
 100 See *Mad.* B i. 257 / M ii. 174.  
 101 As in MS Algiers 1354, f. 13a. The printed text, p. 163, seems to have "al-Ṣulāhī".  
 102 In MS Algiers 1354, f. 13a: "ibn Mahriyya".  
 103 In MS Algiers 1354, f. 13a: "al-Munsaḥir".  
 104 In MS Algiers 1354, f. 13a: "al-ʿArabī".  
 105 For this *ḥadīth*, see *Muw.* i. 323 [= tr. 24.2.4]; also: al-Bukhārī, iii. 284, vii. 299-301; al-Dārimī, ii. 82; Aḥmad, ii. 223, 367.  
 106 Al-Zuhri's date of death is most commonly given as 124 AH, although the dates of 123 and 125 are also mentioned. See, for instance, *EI* (2), xi. 565-6; *Tahdhīb*, ix. 450.  
 107 *Mad.* B i. 143 / M i. 177. For the *ḥadīth* itself, see, for instance, *Muw.* ii. 36-7 [= tr. 29.31.87]; Abū Dāwūd, ii. 247-8; al-Tirmidhī, iii. 499-500; al-Nasāʾī, vi. 199-200; Ibn Mājah, i. 654-5.  
 108 Both the printed text, p. 165, and MS Algiers 1354, f. 13b, have *fiqh al-nafs* ("understanding the self") which I presume represents a scribal error for *fiqh al-qiyās* ("understanding *qiyās*") for which Abū Ḥanīfa was well known. See also below, p. 148.  
 109 Shaykh Ibn al-ʿArabī ("al-Shaykh al-Akbar") defines the term *badal* (pl. *abdāl*), or "substitute", in the following way: "There are seven of them. Whoever travels from a place while he leaves his body in its form so that no one recognises that he is gone, that one is a *badal* and none other. He is modelled on the heart of Ibrahim, peace be upon him." See ad-Darqawī, *The Hundred Steps*, p. 94.  
 110 Abū Nuʿaym's book is better known as *Ḥilyat al-awliyāʾ wa-ṭabaqāt al-aṣfiyāʾ*.  
 111 *Ḥilya*, vi. 316.  
 112 This addition is from the *Ḥilya*. Since al-Mufaḍḍal al-Jundī died in 308 AH, "Abū Muṣʿab" is presumably Abū Muṣʿab al-Zuhri, who died in 241 or 242 AH, rather than Muṭarrif Abū Muṣʿab, who died c. 220 AH.  
 113 *Ḥilya*, vi. 316 (with some differences).  
 114 The printed text, p. 167, MS Algiers 1354, f. 14a, and the *Ḥilya* all have "Khalaf ibn ʿAmr", but elsewhere in our text and in related sources one finds "Khalaf ibn ʿUmar" (see below, p. 56, and the sources cited in n. 158 thereto).  
 115 *Ḥilya*, vi. 316-17. For a different version of the second paragraph, see below, p. 56.  
 116 *Mad.* B i. 90 / M i. 81.  
 117 *Tawālī*, p. 180 (from where the portions in brackets are added).  
 118 This name appears in the printed text, p. 169, and *Tawālī*, p. 180, without any vocalisation and with a final *dāl*. In MS Algiers 1354, f. 14b, the name is spelled with an initial *jīm*, rather than a *khāʾ*, and a final *dāl*, while a footnote to the



- printed text notes the spelling "Ḥurrazāmīr" in some manuscripts. The correct spelling and vocalisation are taken from *Tahdhīb*, vii. 131.
- 119 *Tawālī*, pp. 180–1 (from where the portion in brackets is added).
- 120 The portion in square brackets is added from al-Qarāfī, *Dhakhira*, i. 33.
- 121 The printed text, p. 170, MS Algiers 1354, f. 15a, and that of the *Dhakhira* (i. 33) all have *awqāt*, but this does not fit the context and is presumably a scribal error. For *awqāf* being the issue, see below, p. 78; also, for instance, Ibn Taymiyya, *Fatāwī*, xx. 304, 306–7 [= tr. pp. 10, 13]; Dutton, *Origins*, pp. 36, 195, n. 40.
- 122 al-Qarāfī, *Dhakhira*, i. 33.
- 123 See *Mad.* B i. 95 / M i. 90; also above, p. 40, and below, p. 71.
- 124 It is not clear what this name should be. The printed text, p. 171, suggests "Ibn Ḥiyāsa", while MS Algiers 1354, f. 15b, has what seems to be "Ibn Ḥabāsa", with a *bā* instead of a *yā*.
- 125 The printed text, p. 171, has *arā* ("I think"). The (presumably) correct form *ruwiya* is taken from MS Algiers 1354, f. 15b.
- 126 Cf. *Mad.* B i. 178 / M ii. 51.
- 127 The printed text, p. 171, has *al-nayyir al-mahḍ*, while MS Algiers 1354, f. 15b, seems to have *al-birr al-mahḍ* (sic). *Mad.* B i. 172 has *al-dīn al-mahḍ*, while *Mad.* M ii. 41 has *al-bayyin al-mahḍ*, with *al-dīn al-mahḍ* mentioned as a variant in a footnote.
- 128 See, for example, *Mad.* B i. 172 / M ii. 41.
- 129 See, for example, Abū Zur'ā al-ʿIrāqī, *al-Ghayth al-hāmi*, iii. 985, where al-Junayd is quoted as saying, "The path to Allah is blocked for His creation except for those who follow in the steps of the Messenger of Allah, may Allah bless him and grant him peace".
- 130 See, for example, *Mad.* B i. 154, 155 / M ii. 14, 15.
- 131 See, for example, *Mad.* B i. 123 / M i. 136.
- 132 For a slightly different version of this report, see, for instance, al-Bājī, *Muntaqā*, vii. 300.
- 133 The printed text, p. 174, has "al-Shāfiʿī". MS Algiers 1354, f. 16b, has "al-Ghāfiqī", which is the correct form.
- 134 See also *Tamhīd*, i. 67; *Mad.* B i. 123 / M i. 136.
- 135 For a fuller version of this *ḥadīth* (from which the addition between square brackets has been taken), see Ossendorf-Conrad, *Das "Kitāb al-Waḍiḥa"*, p. 198. In the *Madārik* (B i. 124 / M i. 139), the woman transmitting this *ḥadīth* is named as ʿĀʾisha bint Ṭalḥa rather than ʿĀʾisha bint Saʿd.
- 136 For this possibility of Mālik being one of the Ṭābiʿīn, see also below, p. 94.
- 137 Cf. *Tamhīd*, i. 65; *Mad.* B i. 124 / M i. 138.
- 138 See also *Tamhīd*, i. 79 (where the text reads *biḥār* ["seas"], as translated here, rather than *majāz* ["metaphor"], as in the printed text, p. 175, and MS Algiers 1354, f. 16b).
- 139 See also *Tamhīd*, i. 63.
- 140 See also *Hilya*, vi. 318.
- 141 The printed text, p. 175, has "Abū". MS Algiers 1354, f. 16b, has "Ibn", which is the correct form.
- 142 See also *Tamhīd*, i. 72; *Mad.* B i. 129 / M i. 148.
- 143 See also *Mad.* B i. 116 / M i. 127.
- 144 See above, p. 38; also *Tamhīd*, i. 72.
- 145 Cf. *Tamhīd*, i. 73.
- 146 The printed text, p. 176, has "ibn Abī Sulaym", while MS Algiers 1354, f. 17a, has "ibn Abī Sālīm". The correct form is taken from *Tamhīd*, i. 72, and

confirmed by references to Abū Ḥanīfa studying specifically under Ḥammād ibn Abī Sulaymān, but with no reference to Ḥammād ibn Salama, in, for instance, *Tahdhīb*, iii. 16, x. 449, and *GAS* i. 409.

- 147 Cf. *Tamhīd*, i. 72 (where only the name "Ḥammād ibn Abī Sulaymān" is mentioned); also above, p. 42, and *Mad.* B i. 86 / M i. 76.
- 148 See also above, pp. 29 and 37.
- 149 Cf. *Hilya*, vi. 325; *Mad.* B i. 174 / M ii. 43.
- 150 Cf. Ibn Abī Zayd, *Jāmiʿ*, p. 154 [= tr. p. 28]; *Hilya*, vi. 327 (with a different *isnād*); *Mad.* B i. 174 / M ii. 43.
- 151 Cf. *Hilya*, vi. 325; *Mad.* B i. 174 / M ii. 44 (*zindīq* only).
- 152 Cf. *Muw.* ii. 238 [= tr. 52.2.7].
- 153 See also *Hilya*, vi. 321.
- 154 See also *Hilya*, vi. 321; *Mad.* B i. 86 / M i. 75.
- 155 There may be some confusion in our text here. MS Algiers 1354, f. 17b, has what seems to read: "*qāla Sabbāb (?) al-ʿAsfarī (?)*".
- 156 Emended in the printed text, p. 178, from "Abū l-Akhraṣ" by reference to al-Dhahabī, *Mizān al-ʿitidāl*, iii. 253–4 (where al-Dhahabī notes that "[Abū l-Aḥwaṣ], Mālik and Ḥammād ibn Zayd all died in the same year") and *Shadharāt*, i. 292. MS Algiers 1354, f. 17b, also has "Abū l-Aḥwaṣ".
- 157 Both the printed text, p. 178, and MS Algiers 1354, f. 17b, have "Ibn Kathīr". The correction is from the *Madārik* (B i. 242 / M ii. 154), which has "Ibn Abī Kathīr", i.e. Ismāʿīl ibn Jaʿfar ibn Abī Kathīr (d. c. 180), well known as a Madinan *qārī* and one of the students of the great Madinan *qārī*, Nāfiʿ (see *Ghāya*, i. 163, ii. 331; Ibn Mujāhid, *Sabʿa*, p. 63). The famous Makkan Qurʾan reciter and one of the Seven Readers, Ibn Kathīr, died in 120 AH, and thus can hardly be our man here.
- 158 al-Nawawī, *Tahdhīb al-asmāʾ*, I ii. 77. See also *Mad.* B i. 242 / M ii. 154 and, for a slightly different version of the same story, above, p. 49.
- 159 Added from MS Algiers 1354, f. 18a.
- 160 al-Nawawī, *Tahdhīb al-asmāʾ*, I ii. 78. Cf. *Hilya*, vi. 317, and *Mad.* B i. 241, ii. 533 / M ii. 152–3, iii. 377–8.
- 161 In the printed text, p. 179, and MS Algiers 1354, f. 18a: "Bukayr"; in al-Nawawī, *Tahdhīb al-asmāʾ*, I ii. 78: "Bakr"; in *Mad.* B i. 240: "Bashīr ibn Bakr"; in *Mad.* M ii. 150: "Bishr ibn Bukayr". It is not clear exactly who is intended.
- 162 al-Nawawī, *Tahdhīb al-asmāʾ*, I ii. 78. Cf. *Mad.* B i. 240 / M ii. 150.
- 163 Cf. *Mad.* B i. 181 / M ii. 55; also above, p. 43.
- 164 Cf. *Mad.* B i. 171 / M ii. 40.
- 165 In the *Hilya* (vi. 317), this man's name is specified as "Ismāʿīl ibn Muzāḥim al-Marwazī".
- 166 *Hilya*, vi. 317.
- 167 The printed text, p. 181, has "Muṭarrif ibn Muṣʿab", which the editor rightly assumes should be read as "Muṭarrif Abū Muṣʿab", as it is in MS Algiers 1354, f. 18a, the *Hilya* and other sources, e.g. *Mad.* B i. 358 / M iii. 133.
- 168 *Hilya*, vi. 317.
- 169 MS Algiers 1354, f. 18b, has "al-Zabīdī".
- 170 It is unclear what the correct written form of this name is and how it should be vocalised. MS Algiers 1354, f. 18b, has "al-Naḍīr". Ibn Ḥajar's *Tahdhīb* (x. 34–5) contains an entry for "al-Muthannā ibn Saʿīd al-Ḍubāʿī Abū Saʿīd al-Baṣrī al-Qassām al-Dhāriʿ al-Qaṣīr (?)", an older contemporary of Mālik, who may be our man.
- 171 *Hilya*, vi. 317.



- 172 *Hilya*, vi. 317 (where the text reads *jaddī*, "my grandfather", as in MS Algiers 1354, f. 18b, rather than *ḥadīthī*, "my ḥadīth", as in the printed text, p. 182). See also above, pp. 56–7.
- 173 *Hilya*, vi. 318–19. See also *Tamhīd*, i. 84; *Mad.* B i. 167 / M ii. 34 (where it is Sufyān al-Thawrī who is credited with these lines).
- 174 *Hilya*, vi. 322. See also *Tamhīd*, i. 65.
- 175 *Hilya*, vi. 322.
- 176 *Hilya*, vi. 323. Cf. *Tamhīd*, i. 67.
- 177 *Hilya*, vi. 323. Cf. *Mad.* B i. 148 / M i. 185.
- 178 In MS Algiers, 1354, f. 18b, and the *Hilya*: "Amr ibn Yazīd"; in the printed text, p. 183, and *Mad.* B i. 146 / M i. 182: "Umar ibn Yazīd". Elsewhere in the *Madārik*, in his list of those relating from Mālik, 'Iyād includes both an "Amr 'Umar ibn Yazīd, Egyptian" (*Mad.* B i. 272 ['Umar] / M ii. 211 ['Amr]) and an "Amr/Umar ibn Yazīd ibn Jirjis al-Fārisī, Egyptian" (*Mad.* B i. 273 ['Umar] / M ii. 213 ['Amr]), while also including a "Yūsuf ibn 'Amr/Umar ibn Yazīd ibn Khurkhusrū [?] – there is evidence of corruption in both printed editions at this point], Egyptian" (*Mad.* B i. 277–8 / M ii. 222). There are no entries elsewhere in the *Madārik* for "Amr/Umar ibn Yazīd" but there is an entry for "Yūsuf ibn 'Amr ibn Yazīd ibn Khurkhusn (or Khurkhusrū) al-Fārisī" (*Mad.* B ii. 461–2 / M iii. 284–6), from which we learn that he was one of the companions of Mālik, and not much younger than him, and that al-Hārith ibn Miskīn related from him. In his *Tahdhīb* (ii. 157), Ibn Ḥajar notes that al-Hārith ibn Miskīn related from "Yūsuf ibn 'Amr al-Fārisī" and also includes an entry for this latter (*Tahdhīb*, xi. 420) where he gives his full name as "Yūsuf ibn 'Amr ibn Yazīd ibn Yūsuf (sic) ibn Jirjis, or, it is said, Khurkhus, al-Fārisī Abū Yazīd al-Miṣrī" (thus, incidentally, compounding the uncertainty about his great-grandfather's name). It thus seems reasonably likely that our man here is not in fact "Amr ibn Yazīd", but his son Yūsuf ibn 'Amr ibn Yazīd, although it is of course also possible that Yūsuf's father is the man intended.
- 179 *Hilya*, vi. 324 (with some variations, including the words added in square brackets). Cf. *Mad.* B i. 146 / M i. 182.
- 180 *Mad.* B i. 193 / M ii. 73.
- 181 See *Tahdhīb*, x. 9, where Aḥmad ibn Ḥanbal is quoted as saying, "He was beaten by a certain governor because of his judgement about a forced divorce, which he did not permit." See also *Dibāj*, pp. 27–8; *Hilya*, vi. 316. For the judgement itself, see, for example, *Muw.* ii. 34–5 [= tr. 29.29.78].
- 182 For similar reports, see, for example, *Mad.* B i. 147–8 / M i. 182–3 ("lā adri").
- 183 Reading 'anī bnihi, as in MS Algiers 1354, f. 19a, rather than 'an abihi, as in the printed text, p. 185.
- 184 See *Mad.* B i. 152 / M i. 193. The editor of the printed text notes (p. 185) that, according to Ibn Abī Zayd's *Kitāb al-Dhabb*, as quoted by Abū 'Imrān al-Fāsi in his *al-Nazā'ir al-Fāsiyya*, the three points – two about pre-emption and one about blood-money – are as follows:

- 1 If a group of people build a house which is then declared a *waqf* for them, then one of them dies and his inheritors wish to sell his share in the house, Mālik considered it good (*yastahsinu*) for the brothers to have the right of pre-emption but said, "I have not heard anything about this."
- 2 If a group of people own the date-crop of a palm which is already showing signs of ripening, and one of them sells his portion [of the crop] before it is divided up, then, if the actual tree is either owned by them all, or shared by them in a *musāqāt* arrangement, or has been made a *waqf* for them, Mālik

considered it good (*yastahsinu*) for the partners to have the right of pre-emption, as long as the dates haven't dried before the partner or partners take advantage of the right of pre-emption, but he said, "I do not know of anyone saying this before me."

- 3 If, in a case of injury, the plaintiff produces [only one] witness of integrity, Mālik was of the opinion that he should be made to swear a single oath alongside [the witness's testimony] and be allowed the right to retaliation in cases of premeditated injury, and to take blood-money in cases of accidental injury. [He held this opinion] even though he held that there is never *qasāma* in cases of injury, and that the fifty oaths [for *qasāma*] in cases where someone is killed do not apply in cases of injury. Ibn al-Qāsim said: "This is something which we consider good (*istahsannāhu*), but have not heard anything about."
- 185 The passage in square brackets is added from MS Algiers 1354, f. 19b.
- 186 *Tawālī*, p. 141 (from where the reading *fawwahaka*, as in MS Algiers 1354, f. 19b, is taken, instead of *khalaqaka* ["created you"], as in the printed text, p. 185).
- 187 See *Tawālī*, p. 140 (with some differences in the wording).
- 188 *Hilya*, vi. 325–6. Cf. *Mad.* B i. 170–1 / M ii. 39.
- 189 Reading *wa-minhu qāla l-Shirimsāhī*, as in MS Algiers 1354, f. 20a, rather than *thumma qāla l-Shārimāhī*, as in the printed text, p. 188.
- 190 The portion in square brackets is taken from MS Algiers 1354, f. 20a.
- 191 See above, p. 37 (with slight differences).
- 192 Reading *sa'ala*, as in MS Algiers 1354, f. 20b, rather than *sa'alahu*, as in the printed text, p. 189.
- 193 See also *Mad.* B i. 130 / M i. 149; Ibn Taymiyya, *Fatāwī*, xx. 324 [= tr. p. 28].
- 194 Cf. *Mad.* B i. 132 / M i. 153.
- 195 See also *Mad.* B i. 155 / M ii. 16.
- 196 Cf. *Mad.* B i. 136 / M i. 164.
- 197 Cf. *Mad.* B i. 117 / M i. 127.
- 198 See *Tawālī*, p. 148 (also p. 149).
- 199 For various versions of this *ḥadīth*, see, for example, al-Bukhārī, i. 59 (in chapter heading); Muslim, xvii. 21–2 [= tr. iv. 1417]; Abū Dāwūd, iii. 24; al-Tirmidhī, v. 28, 48–9; Ibn Mājah, i. 81; also: Aḥmad, iii. 57, 215, 375, viii. 166–7.
- 200 For various versions of this *ḥadīth*, see, for example, *Muw.* ii. 260 [= tr. 58.2.12]; Muslim, xvi. 141 [= tr. iv. 1369]; al-Tirmidhī, iv. 376; Ibn Mājah, ii. 1398; al-Dārimī, i. 396; also: Aḥmad, i. 101, iii. 18–19, 334, iv. 152.
- 201 A similar report from Ma'n appears in *Mad.* B i. 146–7 / M i. 182–3.
- 202 *Hilya*, vi. 330 (with slight differences).
- 203 See above, p. 52.
- 204 *Mad.* B i. 91–2 / M i. 84–5.
- 205 See below, p. 87.
- 206 In the printed text, p. 196, and MS Algiers 1354, f. 23a: "*al-a'imma al-muqalladīna ghayrihi*"; in *Mad.* B i. 92 / M i. 85: "*al-a'imma al-muqalladīna fī 'aṣrihi*".
- 207 *Mad.* B i. 92 / M i. 85–6.
- 208 *Mad.* B i. 92–3 / M i. 86.
- 209 *Mad.* B i. 93 / M i. 87.

## 2 ON GIVING PREFERENCE TO THE MADHHAB OF MĀLIK

- 1 See *Mad.* B i. 82 / M 68–9.
- 2 See above, pp. 28 ff.



# NOTES

- 3 The reference here is to various *ḥadīths* containing these ideas, for which see above, pp. 32–3.
- 4 al-Qarāfī, *Dhakhīra*, i. 33 (with slight differences).
- 5 *Mad.* B i. 60 / M. i. 36–7 (reading *mabda' al-ḥalāl wa-l-ḥarām*, along with *Mad.* 1354, f. 24a), rather than *mutabawwa'* . . . , as in the printed text, p. 200, and MS Algiers 1354, f. 24a).
- 6 *Mad.* B i. 61–2 / M i. 38.
- 7 Reading *wa-in khālafa l-athar*, as in the printed text, p. 200, MS Algiers 1354, f. 24a, and *Mad.* M i. 44. *Mad.* B i. 66 has *wa-in khālafa l-akthar* (“even if it contradicts the majority”).
- 8 Reading *wa-kāna qāḍiya l-Madīna*, as in the printed text, p. 201, and MS Algiers 1354, f. 24a. The *Madārik* has *wa-kāna qāḍiyan* (“who was a qāḍī”).
- 9 *Mad.* B i. 66 / M i. 44–5.
- 10 *Mad.* B i. 62 / M. i. 39.
- 11 *Mad.* B i. 62 / M i. 40; also *Tamhīd*, i. 81 (with slight differences).
- 12 This addition is from the *Madārik*.
- 13 *Mad.* B i. 62 / M i. 40.
- 14 The printed text, p. 202, has *ahl al-‘aṣabal-‘uṣba* (“the people of the group”) and, in a footnote, *ahl al-furṣa* (“the people of the opportunity”). The reading *ahl al-‘arṣa*, lit. “the people of the pillar”, is taken from *Mad.* M i. 45 (in B i. 46 the text is incomplete) and what seems to be the reading in MS Algiers 1354, f. 24b.
- 15 *Mad.* B i. 66–7 (incomplete text) / M i. 45.
- 16 *Mad.* B i. 66–7 / M i. 46.
- 17 *Mad.* B i. 67 / M i. 46.
- 18 This report also occurs in Ibn Abī Zayd, *Jāmi‘*, p. 150 [= tr. pp. 25–6].
- 19 *Tawālī*, p. 128. For this point of *fiqh*, see, for example, Ibn Rushd, *Bidāyat al-mujtahid*, ii. 467–8 [= tr. ii. 562–3].
- 20 See, for example, *Muw.* ii. 108 [= tr. 36.4.5]; Muslim, xii. 3–4 [= tr. iii. 927]; Abū Dāwūd, iii. 225–6; al-Tirmidhī, iii. 618–20; Ibn Mājah, ii. 793; Ahmad, i. 533, 675, 691, v. 33, viii. 339.
- 21 Cf. *Mad.* B i. 62 / M i. 40.
- 22 See *Mad.* B i. 95 / M i. 90; also above, pp. 40 and 51.
- 23 *Mad.* B i. 67 / M i. 46.
- 24 See, for example, *Mad.* B i. 66 / M i. 46 (from which the addition between square brackets is taken).
- 25 See, for example, *Mad.* B i. 62 / M i. 40.
- 26 See, for example, *Mad.* B i. 62 (missing) / M i. 40.
- 27 See, for example, *Mad.* B i. 66 / M i. 45; also *Tamhīd*, i. 79, where “*ḥadīth*” is glossed as meaning “the *ḥadīth* of the people of Iraq”.
- 28 See, for example, *Mad.* B i. 66 / M i. 45 (with slight differences).
- 29 See, for example, *Mad.* B i. 61 / M i. 38.
- 30 “Abū Nu‘aym” here is presumably Abū Nu‘aym al-Faḍl ibn Dukayn, one of Mālik’s better-known students.
- 31 The printed text, p. 207, has ‘*amal*’, but MS Algiers 1354, f. 25b, and *Mad.* B i. 62 / M i. 40 have ‘*ilm*’ (“knowledge”).
- 32 See, for example, *Mad.* B i. 62 / M i. 40.
- 33 *Mad.* B i. 192 / M ii. 71.
- 34 *Mad.* B i. 192 / M ii. 72.
- 35 *Mad.* B i. 192, 193 / M ii. 72 (where the text has ‘*ilm*’, “knowledge”, rather than ‘*amal*’, as in the printed text, and MS Algiers 1354, f. 26a).
- 36 *Mad.* B i. 192 / M ii. 72.

# NOTES

- 37 See *Dībāj*, p. 25.
- 38 See *Mad.* B i. 193 / M ii. 73; *Dībāj*, p. 25 (where, in neither source, does the last phrase of our text occur).
- 39 See *Mad.* B i. 193 / M ii. 73; *Dībāj*, p. 25 (with slight differences).
- 40 See *Mad.* B i. 193 / M ii. 73; *Dībāj*, p. 25.
- 41 For Asad’s involvement in the conquest of Sicily, where he died in the year 213/828, 214 or 217, see, for example, *Mad.* B ii. 476–7, 480 / M iii. 304–6, 309.
- 42 See *Mad.* B i. 232 / M ii. 137 (with some differences). For another version of this story, see also *Mad.* B ii. 466 / M iii. 292.
- 43 Cf. Ibn Khaldūn, *Muqaddima*, p. 450 [= tr. Rosenthal, iii. 14–15]; also *Mad.* B ii. 471–2 / M iii. 298–9.
- 44 See, for example, *Mad.* B i. 213 / M ii. 103.
- 45 See, for example, *Mad.* B i. 195 / M ii. 75 (where “‘Umar ibn Abī Salama” [d. 132 AH] should read “‘Amr ibn Abī Salama” [d. c. 213], as in the printed text, p. 213, and MS Algiers 1354, f. 27b); cf. *Tamhīd*, i. 77.
- 46 This is how this name is given in the printed text, p. 213, and in *Mad.* B i. 195 / M ii. 75, while MS Algiers 1354, f. 27b, has “‘Ṣafwān ibn ‘Amr ibn ‘Abd al-Wāḥid”. In *Tamhīd*, i. 78, the *isnād* is given as “‘Ṣafwān, from ‘Umar ibn ‘Abd al-Wāḥid, the companion of al-Awzā‘ī”, thus indicating two different people (although ‘Ṣafwān could still be the son of ‘Umar ibn ‘Abd al-Wāḥid). ‘Umar ibn ‘Abd al-Wāḥid is known to have been a student of Mālik as well as of al-Awzā‘ī (see *Tahdhīb*, vii. 479).
- 47 See, for example, *Tamhīd*, i. 78; *Mad.* M ii. 75 / B i. 195.
- 48 See, for example, *Mad.* B i. 196 / M ii. 76.
- 49 See above, pp. 29, 37 and 55.
- 50 *Mad.* M i. 20 / B i. 50, where the last sentence of our paragraph reads instead:

Abū Khaythama Zuhayr ibn Ḥarb had words to say about Abū Muṣ‘ab al-Zuhri, and Yahyā ibn Ma‘īn about Ismā‘īl ibn Abī Uways and Yahyā ibn Bukayr, but this did not harm [these people’s] reputations in any way. Indeed, the Imam of the Critics of *Ḥadīth*-Transmitters (*mu‘addilīn*), and the compiler of the *Ṣaḥīḥ*, Muḥammad ibn Ismā‘īl al-Bukhārī, transmitted from them without expressing any doubt about their veracity.

- 51 Reading *wa-bi-l-ḥarī an tuṣraḍ al-mas’ala fi ‘amal ahl Makka*, as in *Mad.* B i. 69 / M i. 50, rather than *wa-bi-l-ḥaqq an lā tuṣraḍ al-mas’ala fi ghayr ahl Makka* (“it is correct that this argument should not be posited about anyone other than the people of Makka”) as in the printed text, p. 218, or *wa-bi-l-ḥarā (?) an lā tuṣraḍ (?) al-mas’ala fi ghayr ahl Makka* (“it is appropriate that this argument should not be considered with regard to anyone other than the people of Makka”) as in MS Algiers 1354, f. 29a, neither of which seem to make the best of sense in the context.
- 52 Although spelled in this way here in both our text (p. 219 and MS Algiers 1354, f. 29a) and the *Madārik* (B i. 70 / M i. 50), elsewhere ‘Iyāḍ gives the name as “Abū Tammām” (see *Mad.* B iv. 605 / M vii. 76).
- 53 Reading *ba‘duhum*, as in *Mad.* B i. 70 / M i. 51, rather than *mu‘zamuḥum* (“most of them”), as in the printed text, p. 219, and MS Algiers 1354, f. 29b.
- 54 Reading “ibn Abī ‘Umar”, as in *Mad.* B i. 70 / M i. 51, rather than “ibn Abī ‘Imrān”, as in the printed text, p. 219, or “ibn ‘Umar”, as in MS Algiers 1354, f. 29b. Although this man’s *kunya* appears as “Abū l-Ḥasan” in both the printed text, MS Algiers 1354, and the text in the *Madārik* being quoted here, it would



## NOTES

- 3 The reference here is to various *ḥadīths* containing these ideas, for which see above, pp. 32–3.
- 4 al-Qarāfī, *Dhakhīra*, i. 33 (with slight differences).
- 5 *Mad.* B i. 60 / M. i. 36–7 (reading *mabda' al-ḥalāl wa-l-ḥarām*, along with *Mad.* 1354, f. 24a), rather than *mutabawwa'* . . . , as in the printed text, p. 200, and MS Algiers 1354, f. 24a).
- 6 *Mad.* B i. 61–2 / M i. 38.
- 7 Reading *wa-in khālaḥa l-athar*, as in the printed text, p. 200, MS Algiers 1354, f. 24a, and *Mad.* M i. 44. *Mad.* B i. 66 has *wa-in khālaḥa l-akthar* (“even it contradicts the majority”).
- 8 Reading *wa-kāna qāḍiya l-Madīna*, as in the printed text, p. 201, and MS Algiers 1354, f. 24a. The *Madārik* has *wa-kāna qāḍiyan* (“who was a qāḍī”).
- 9 *Mad.* B i. 66 / M i. 44–5.
- 10 *Mad.* B i. 62 / M. i. 39.
- 11 *Mad.* B i. 62 / M i. 40; also *Tamhīd*, i. 81 (with slight differences).
- 12 This addition is from the *Madārik*.
- 13 *Mad.* B i. 62 / M i. 40.
- 14 The printed text, p. 202, has *ahl al-‘aṣabal-‘uṣba* (“the people of the group”) and, in a footnote, *ahl al-furṣa* (“the people of the opportunity”). The reading *ahl al-‘arṣa*, lit. “the people of the pillar”, is taken from *Mad.* M i. 45 (in B i. 66 the text is incomplete) and what seems to be the reading in MS Algiers 1354, f. 24b.
- 15 *Mad.* B i. 66–7 (incomplete text) / M i. 45.
- 16 *Mad.* B i. 66–7 / M i. 46.
- 17 *Mad.* B i. 67 / M i. 46.
- 18 This report also occurs in Ibn Abī Zayd, *Jāmi‘*, p. 150 [= tr. pp. 25–6].
- 19 *Tawālī*, p. 128. For this point of *fiqh*, see, for example, Ibn Rushd, *Bidāyat al-mujtahid*, ii. 467–8 [= tr. ii. 562–3].
- 20 See, for example, *Muw.* ii. 108 [= tr. 36.4.5]; Muslim, xii. 3–4 [= tr. iii. 927]; Abū Dāwūd, iii. 225–6; al-Tirmidhī, iii. 618–20; Ibn Mājah, ii. 793; Ahmad, i. 533, 675, 691, v. 33, viii. 339.
- 21 Cf. *Mad.* B i. 62 / M i. 40.
- 22 See *Mad.* B i. 95 / M i. 90; also above, pp. 40 and 51.
- 23 *Mad.* B i. 67 / M i. 46.
- 24 See, for example, *Mad.* B i. 66 / M i. 46 (from which the addition between square brackets is taken).
- 25 See, for example, *Mad.* B i. 62 / M i. 40.
- 26 See, for example, *Mad.* B i. 62 (missing) / M i. 40.
- 27 See, for example, *Mad.* B i. 66 / M i. 45; also *Tamhīd*, i. 79, where “*ḥadīth*” is glossed as meaning “the *ḥadīth* of the people of Iraq”.
- 28 See, for example, *Mad.* B i. 66 / M i. 45 (with slight differences).
- 29 See, for example, *Mad.* B i. 61 / M i. 38.
- 30 “Abū Nu‘aym” here is presumably Abū Nu‘aym al-Faḍl ibn Dukayn, one of Mālik’s better-known students.
- 31 The printed text, p. 207, has ‘*amal*, but MS Algiers 1354, f. 25b, and *Mad.* B i. 62 / M i. 40 have ‘*ilm* (“knowledge”).
- 32 See, for example, *Mad.* B i. 62 / M i. 40.
- 33 *Mad.* B i. 192 / M ii. 71.
- 34 *Mad.* B i. 192 / M ii. 72.
- 35 *Mad.* B i. 192, 193 / M ii. 72 (where the text has ‘*ilm*, “knowledge”, rather than ‘*amal*, as in the printed text, and MS Algiers 1354, f. 26a).
- 36 *Mad.* B i. 192 / M ii. 72.

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- 37 See *Dibāj*, p. 25.
- 38 See *Mad.* B i. 193 / M ii. 73; *Dibāj*, p. 25 (where, in neither source, does the last phrase of our text occur).
- 39 See *Mad.* B i. 193 / M ii. 73; *Dibāj*, p. 25 (with slight differences).
- 40 See *Mad.* B i. 193 / M ii. 73; *Dibāj*, p. 25.
- 41 For Asad’s involvement in the conquest of Sicily, where he died in the year 213/828, 214 or 217, see, for example, *Mad.* B ii. 476–7, 480 / M iii. 304–6, 309.
- 42 See *Mad.* B i. 232 / M ii. 137 (with some differences). For another version of this story, see also *Mad.* B ii. 466 / M iii. 292.
- 43 Cf. Ibn Khaldūn, *Muqaddima*, p. 450 [= tr. Rosenthal, iii. 14–15]; also *Mad.* B ii. 471–2 / M iii. 298–9.
- 44 See, for example, *Mad.* B i. 213 / M ii. 103.
- 45 See, for example, *Mad.* B i. 195 / M ii. 75 (where “‘Umar ibn Abī Salama” [d. 132 AH] should read “‘Amr ibn Abī Salama” [d. c. 213], as in the printed text, p. 213, and MS Algiers 1354, f. 27b); cf. *Tamhīd*, i. 77.
- 46 This is how this name is given in the printed text, p. 213, and in *Mad.* B i. 195 / M ii. 75, while MS Algiers 1354, f. 27b, has “Ṣafwān ibn ‘Amr ibn ‘Abd al-Wāhid”. In *Tamhīd*, i. 78, the *isnād* is given as “Ṣafwān, from ‘Umar ibn ‘Abd al-Wāhid, the companion of al-Awzā‘ī”, thus indicating two different people (although Ṣafwān could still be the son of ‘Umar ibn ‘Abd al-Wāhid). ‘Umar ibn ‘Abd al-Wāhid is known to have been a student of Mālik as well as of al-Awzā‘ī (see *Tahdhīb*, vii. 479).
- 47 See, for example, *Tamhīd*, i. 78; *Mad.* M ii. 75 / B i. 195.
- 48 See, for example, *Mad.* B i. 196 / M ii. 76.
- 49 See above, pp. 29, 37 and 55.
- 50 *Mad.* M i. 20 / B i. 50, where the last sentence of our paragraph reads instead:

Abū Khaythama Zuhayr ibn Harb had words to say about Abū Muṣ‘ab al-Zuhri, and Yahyā ibn Ma‘īn about Ismā‘īl ibn Abī Uways and Yahyā ibn Bukayr, but this did not harm [these people’s] reputations in any way. Indeed, the Imam of the Critics of *Ḥadīth*-Transmitters (*mu‘addilīn*), and the compiler of the *Ṣaḥīḥ*, Muḥammad ibn Ismā‘īl al-Bukhārī, transmitted from them without expressing any doubt about their veracity.

- 51 Reading *wa-bi-l-ḥarī an tuḥḥad al-mas‘ala fi ‘amal ahl Makka*, as in *Mad.* B i. 69 / M i. 50, rather than *wa-bi-l-ḥaqq an lā tuḥḥad al-mas‘ala fi ghayr ahl Makka* (“it is correct that this argument should not be posited about anyone other than the people of Makka”) as in the printed text, p. 218, or *wa-bi-l-ḥarā (?) an lā tuḥḥad (?) al-mas‘ala fi ghayr ahl Makka* (“it is appropriate that this argument should not be considered with regard to anyone other than the people of Makka”) as in MS Algiers 1354, f. 29a, neither of which seem to make the best of sense in the context.
- 52 Although spelled in this way here in both our text (p. 219 and MS Algiers 1354, f. 29a) and the *Madārik* (B i. 70 / M i. 50), elsewhere ‘Iyād gives the name as “Abū Tammām” (see *Mad.* B iv. 605 / M vii. 76).
- 53 Reading *ba‘duhum*, as in *Mad.* B i. 70 / M i. 51, rather than *mu‘ẓamuhum* (“most of them”), as in the printed text, p. 219, and MS Algiers 1354, f. 29b.
- 54 Reading “ibn Abī ‘Umar”, as in *Mad.* B i. 70 / M i. 51, rather than “ibn Abī ‘Imrān”, as in the printed text, p. 219, or “ibn ‘Umar”, as in MS Algiers 1354, f. 29b. Although this man’s *kunya* appears as “Abū l-Ḥasan” in both the printed text, MS Algiers 1354, and the text in the *Madārik* being quoted here, it would



- appear from the biographical entry on him elsewhere in the *Madārik* (Mad. B iii. 278–81 / M v. 256–61) that this man's *kunya* is actually "Abū l-Ḥusayn" rather than "Abū l-Ḥasan".
- 55 Reading *idh lā yu'arīduhu hunā illā jtiḥādu ākharīna*, as in MS Algiers 1354, f. 29b, and Mad. B i. 70 / M i. 51, rather than *idh lā yu'arīduhu jtiḥādu ākharīna*, as in the printed text, p. 220.
- 56 That is, under "The first type of consensus" above, pp. 77–8.
- 57 That is, under "The second type of consensus" above, pp. 79–80.
- 58 Reading *naqbalu*, as in Mad. B i. 71 / M i. 53, rather than *na'malu* ("act upon"), as in the printed text, p. 222, and MS Algiers 1354, f. 30a.
- 59 Reading *jahlun aw kadhib*, as in Mad. B i. 71 / M i. 53, rather than *jahlun wa-kadhib*, as in the printed text, p. 222, and MS Algiers 1354, f. 30a.
- 60 Reading *lā naqbalu*, as in Mad. M i. 53 and MS Algiers, f. 30a, rather than *lā yuqbalu*, as in Mad. B i. 71 and the printed text, p. 222.
- 61 See *Muw.* ii. 79 [= tr. 31.38.79] ("The two parties to a sale each have the option to withdraw from it as long as they have not parted company, except in cases of 'option sales' (*bay' al-khiyār*)"). For this, and other versions of the *ḥadīth*, see also: al-Bukhārī, iii. 166–7, 181–4; Muslim, x. 173–6 [= tr. iii. 804–5]; Abū Dāwūd, iii. 189–90; al-Tirmidhī, iii. 538–41; al-Nasā'ī, vii. 244–5, 247–52; Ibn Mājah, ii. 736; al-Dārimī, ii. 250; Aḥmad, i. 124–5, ii. 205, 217, 312, 317, 360, 464, 498, 606, iii. 184, v. 227–9, 300, vii. 191, 258, 266–8, 276, 278, 280.
- 62 For the difference of opinion about *bay' al-khiyār*, and whether one is allowed a maximum of three days to test any goods (Abū Ḥanīfa and al-Shāfi'ī) or more, if necessary, such as a week for a slave or a month for a house (Mālik), see, for instance, Ibn Rushd, *Bidāya*, ii. 209; Ibn Juzayy, *Qawānīn*, p. 269; al-Disūqī, *Hāshiya*, iii. 91–2.
- 63 For various versions of this *ḥadīth*, see, for example, *Muw.* ii. 86 [= tr. 31.45.95–6]; al-Bukhārī, iii. 197–8, vii. 55–6; Muslim, ix. 197–8, x. 158–60, xvi. 119–20 [= tr. ii. 712, iii. 798–9, iv. 1361]; Abū Dāwūd, ii. 181, iii. 185, 187; al-Tirmidhī, iii. 431, 578; al-Nasā'ī, vi. 71–4, vii. 256, 258–9; Ibn Mājah, ii. 733–4; al-Dārimī, ii. 135, 250, 255; Aḥmad, ii. 213, 244, 339, 357, 438, 469, 473, 478, 486, 536–7, iii. 26, 105, 112–13, 184, 199, 283, 321, 381–2, 402–3, 494; vi. 125.
- 64 See, for example, *Muw.* ii. 79 [= tr. 31.38.80]; Abū Dāwūd, iii. 201–2; al-Tirmidhī, iii. 561; al-Nasā'ī, vii. 302–3; Ibn Mājah, ii. 737; al-Dārimī, ii. 250; Aḥmad, ii. 198.
- 65 See above, p. 80.
- 66 Mad. B i. 67–72 / M i. 47–55.
- 67 Reading "*yufāriqahu*", as in MS Algiers 1354, f. 30b, rather than "*yukhālīfahu*", as in the printed text, p. 224. Abū Dāwūd (iii. 190) and al-Tirmidhī (iii. 541) have "*yufāriqa ṣāhibahu*".
- 68 See Abū Dāwūd, iii. 189–90; al-Tirmidhī, iii. 541 (also al-Nasā'ī, vii. 251–2).
- 69 In MS Algiers 1354, f. 31a, and Mad. B i. 90 / M i. 82: "al-Mahdī". It is not clear who is intended by "Ibn al-Mahdī/al-Mahdī" here. It seems somewhat unlikely to be the caliph al-Mahdī, while 'Abd al-Raḥmān ibn Mahdī, another possible candidate, is usually known as "Ibn Mahdī" rather than "Ibn al-Mahdī".
- 70 As in the printed text, p. 225, and MS Algiers 1354, f. 31a; Mad. B i. 90 / M i. 82 has "those from Kairouan" (*al-qarawiyyīn*).
- 71 Addition from MS Algiers 1354, f. 31a (*min masā'ilihī*); Mad. B i. 90 / M i. 82 has "of theirs" (*min masā'ilihim*).
- 72 Mad. B i. 90 / M i. 82.
- 73 For reference to this *ḥadīth*, which seems not to appear in the standard collections, see, for instance, Ibn Rushd, *Bidāyat al-mujtahid*, ii. 160 [= tr.

- ii. 192], where it is attributed to Abū Ḥanīfa without mentioning any other authorities.
- 74 For this *ḥadīth*, which appears in many versions, see, for instance, *Muw.* ii. 142–3 [= tr. 38.10.17–19]; al-Bukhārī, ii. 332, iii. 209–10, 428, 442–5, 550, 558, 574; Muslim, x. 139–48 [= tr. ii. 785–8]; al-Tirmidhī, iii. 548–9, iv. 436, 437; al-Nasā'ī, vi. 162–6, vii. 300, 305–6; Ibn Mājah, ii. 842–3; al-Dārimī, ii. 169; Aḥmad, ii. 421, ix. 291, 297, 363–4, 424, 524, 528, 534, x. 33, 139–40.
- 75 For this *ḥadīth*, which appears in many versions, see, for example, al-Bukhārī, iii. 287–8, 347, 550, iv. 133–4; Muslim, xi. 30–6 [= tr. ii. 841–2]; Abū Dāwūd, iii. 200; al-Tirmidhī, iii. 545, v. 691; al-Nasā'ī, vii. 297–9; Aḥmad, v. 72, 147.
- 76 Ibn Rushd, *Muqaddimāt*, pp. 544–5 (with slight differences).
- 77 Muslim, iv. 111 [= tr. i. 219]. See also below, pp. 118–26, where this point, and various versions of this *ḥadīth*, are discussed in detail.
- 78 It is related from Abū Sa'īd al-Khudrī that a man once said to the Messenger of Allah, may Allah bless him and grant him peace, "Should we use the water from Bi'r Buḍā'a to do *wuḍū'* with, although it is a well in which menstrual blood, dead dogs and filth end up?" He said, "Water is pure and is not made impure by anything." (For various versions of this *ḥadīth*, see, for example, Abū Dāwūd, i. 18–19; al-Tirmidhī, i. 95–7; al-Nasā'ī, i. 174; Aḥmad, iv. 33, 62, 171, 172.) See also below, pp. 102–4, where this point is discussed in more detail.
- 79 The printed text, p. 230, has *lā fī ithbātī ibāḥatihi* ("and not an affirmation of its permissibility"), but the sense seems to demand the affirmative *fī ithbātī ibāḥatihi*, which is how I have translated it. (MS Algiers 1354, f. 32b, has *illā fī ithbātī ibāḥatihi*, "except [as] an affirmation of its permissibility", which does not seem any clearer.)
- 80 For a discussion of the jurisprudential problem raised in this and the following paragraph, see, for instance, Ibn al-ʿArabī, *Aḥkām*, ii. 764–8; al-Qurṭubī, *Aḥkām*, vii. 115–24; al-Bājī, *Muntaqā*, iii. 130–2; Ibn Rushd, *Bayān*, iii. 376–7 (also 318–19).
- 81 While in contemporary Arabic the word *ḥasharāt* tends to refer specifically to insects, in medieval Arabic it has a broader sense of "small creatures found on the ground" (see, for example, Hava, *Dictionary*, p. 125, where *ḥasharāt* is defined as "small reptiles; insects"). Al-Bājī (*Muntaqā*, iii. 132) states that according to Mālik it is disliked (*makrūh*) to eat *ḥasharāt* (he cites Q.6:145 as justification for this judgement), whereas according to Abū Ḥanīfa and al-Shāfi'ī it is *ḥarām*. However, the standard position of the Mālikī *madhhab* as summarised in, for example, the *Mukhtaṣar* of Khalīl, is that such creatures, referred to there as *khashāsh* (or *khishāsh*) *al-arḍ* and understood to include, among other things, scorpions, beetles, cockroaches, grasshoppers, ants and grubs of various kinds, are permitted (*mubāḥ*) (see Khalīl, *Mukhtaṣar*, p. 92; al-Disūqī, *Hāshiya*, ii. 115; ʿIllīsh, *Sharḥ*, ii. 404).
- 82 See also above, p. 66.
- 83 For this judgement, see, for example, *Muw.* ii. 77, 78–9 [= tr. 31.35.76 and 31.37.78].
- 84 For versions of this *ḥadīth*, see Aḥmad, ii. 18, 33, 149, 186.
- 85 For a slightly different version of these words, see *Muw.* ii. 79 [= tr. 31.37.78].
- 86 Ibn Rushd, *Muqaddimāt*, p. 551. (I have followed the printed text of the *Muqaddimāt*, rather than the formulation in our text, which shows slight differences at the beginning and end of this paragraph.)
- 87 See Ibn Rushd, *Muqaddimāt*, pp. 551–2, where Ibn Rushd refers both to the *ḥadīth* and one of the Qur'anic verses mentioned earlier in this section by al-Shirimsāḥī.



- 88 For the difference of opinion about *khiyār al-majlis* and whether or not a contract is confirmed at the time of agreement (Mālik and Abū Hanīfa) or only when the two parties have physically separated (al-Shāfiʿī), see, for example, Ibn Juzayy, *Qawānīn*, p. 270; al-Disūqī, *Hāshiya*, iii. 91; ʿIllish, *Sharh*, v. 113.
- 89 For Qadi ʿIyād's more detailed discussion of this point, see above, pp. 82–3.
- 90 Reading *fī l-Madīna*, as in MS Algiers 1354, f. 33b, rather than *fī l-ruba* ("of the same rank"), as in the printed text, p. 234.
- 91 The word *rāʿinā*, which would normally be understood to mean "Look after us", could be taken to be the present active participle of the verb *raʿana*, "to be foolish", i.e. "[one] behaving foolishly" (see, for example, Ibn al-ʿArabī, *Ahkām*, i. 32; al-Ṣāwī, *Hāshiya*, i. 50).
- 92 See *Muw.* ii. 224 [= tr. 49.10.26]; al-Bukhārī, iii. 234–5, 241, iv. 442, vi. 123; Muslim, xi. 5–8 [= tr. iii. 830] (with small differences in each case). For similar versions of the same *ḥadīth*, see also Abū Dāwūd, iii. 196–7; al-Tirmidhī, iii. 582; al-Nasāʾī, vii. 177, 309–10; Ibn Mājah, ii. 732; al-Dārimī, ii. 115; Aḥmad, i. 63, 532, 629, 690, ii. 459, iii. 287, iv. 433, v. 161.
- 93 See also above, p. 72.
- 94 See also above, p. 72.
- 95 For one such example involving Ibn Masʿūd, see above, p. 15.
- 96 See above, p. 71.
- 97 See *Bayān*, i. 48–9. Ibn Rushd's full comment is as follows:

It has been said that this ʿĀʾisha was a Companion, and that Mālik – may Allah have mercy on him – met her before she died, which would make him a Tābiʿī. The correct position, however, is that she was not a Companion, because al-Kalābādhī mentions her among the Tābiʿīn, and Ibn ʿAbd al-Barr does not mention her among the Companions.

For Mālik's transmission from her, see also above, p. 54.

- 98 Reading *ʿalā taṭāwul al-amad*, as in MS Algiers 1354, f. 35b (and also again in the printed text, p. 254, and MS Algiers 1354, f. 39b; cf. below, p. 104), rather than *ʿalā taṭāwul al-amr*, as in the printed text, p. 240.
- 99 *Tawālī*, p. 148.
- 100 See *Tawālī*, pp. 147–8.
- 101 See *Tawālī*, p. 149, for a slightly longer version of this report.
- 102 See *Tawālī*, p. 152 (with slight differences).
- 103 The printed text, p. 242, has "Ibn Surayj", while MS Algiers 1354, f. 36b, has "Ibn Abī Shurayḥ" and *Tawālī*, p. 147, has "Aḥmad ibn Surayj". Given that the famous Shāfiʿī scholar Aḥmad [ibn ʿUmar] ibn Surayj (249/863–306/918) was not born until many years after al-Shāfiʿī's death, this cannot be the man intended here. Rather, the man intended here is presumably Aḥmad ibn Abī Surayj al-Ṣabbāḥ (?) al-Nahshalī, who was a student of al-Shāfiʿī and a shaykh of Abū Hātim, whose son, Ibn Abī Hātim, is named in *Tawālī* (p. 147) as the transmitter of this report, from his father, from Aḥmad ibn [Abī] Surayj.
- 104 *Tawālī*, p. 147.
- 105 *Tawālī*, p. 147.
- 106 This story is quoted from the *Intiṣār* by Aḥmad Bābā in his entry on al-ʿAbdūsī in his *Nayl* (p. 181).
- 107 The printed text, p. 245, has this and the following verse in reverse order. I have changed the order of the two verses so that it accords with (a) the order of these verses in MS Algiers 1354, f. 37a, and (b) al-Rāʿī's comment in the following paragraph.

- 108 Eight of the nine lines given here appear in ʿIyād's *Madārik* (B i. 251 / M ii. 167). The ninth line, which al-Rāʿī tells us he has added, is the one beginning "Never have any Khawārij". A further two lines from the poem are quoted by al-Maqqarī in his *Nafḥ al-ṭīb* (ii. 60).
- 109 I.e. the *ḥadīth* recorded by al-Tirmidhī, al-Nasāʾī and others. See above, pp. 28 ff.
- 110 Arabic: *Yā bāriqan bi-aʿālī l-raqmatayni badā / la-qad ḥakayta* (var. *ḥalīta*) *wa-lākin fātaka l-shanabu*. This verse is from a poem by al-Shihāb ibn al-Khaymī (for which, see *Nafḥ*, ii. 619). While the overall sense of the verse – that those who have praised other imams have necessarily fallen well short of what is possible when praising Mālik – seems apparent enough, it is not clear to me exactly what picture the poet has in mind and thus how the individual items of vocabulary should be translated.
- 111 For the full text of Mālik's letter, see, for example, *Mad.* B i. 64–5 / M i. 41–3; al-Fasawī, *Tārīkh*, i. 695–7; also Dutton, *Origins*, pp. 37–8.
- 112 For the full text of al-Layth's reply, see, for instance, al-Fasawī, *Tārīkh*, i. 687–5; Ibn Qayyim al-Jawziyya, *Iʿlām al-Muwaqqiʿin*, iii. 94–100 [Beirut edn] / iii. 107–14 [Cairo edn]; and, for a shortened form, *Mad.* B i. 65 / M i. 44; also Dutton, *Origins*, pp. 38–9.
- 113 For this report, see, for example, *Mad.* B i. 113, 211 / M i. 121, ii. 100. The Arabic *ikhṭiḍāb* here and in the following discussion includes dyeing the hair of the head as well as of the beard but, with the assumption of headgear, it is the beard that is the most visible.
- 114 For Abū Bakr dyeing his beard, see, for example, *Muw.* ii. 233 [= tr. 51.3.8] (where Mālik's views on the matter are also recorded), Ibn Abī Zayd, *Jāmiʿ*, p. 236 [= tr. pp. 93–4]; and, for mention of both Abū Bakr and ʿUmar: Abū Dāwūd, iv. 71. According to Ibn Abī Zayd (*Jāmiʿ*, p. 236 [= tr. p. 94]), however, Mālik said: "Neither ʿUmar, nor ʿAlī ibn Abī Ṭālib, nor Ubayy ibn Kaʿb, nor Ibn al-Musayyab would dye their hair (*yughayyirūna l-shayb*), but I saw Ibn Shihāb with his beard dyed with henna."
- 115 For this *ḥadīth*, see al-Bukhārī, iv. 442, vii. 519; Muslim, xiv. 80 [= tr. iii. 1156]; Abū Dāwūd, iv. 70; al-Nasāʾī, viii. 137; Ibn Mājah, ii. 1196; Aḥmad, iii. 30, 179–80, 364–5.
- 116 For this *ḥadīth*, see Aḥmad, iii. 563, v. 99. For similar variants, see Aḥmad, i. 348, iii. 76–7, iv. 493, v. 62; al-Tirmidhī, iv. 232; al-Nasāʾī, viii. 137–8.

### 3 SOME POINTS OF DIFFERENCE BETWEEN MADHHABS

- 1 This is the Shāfiʿī position, for which see, for example, Ibn Rushd, *Bidāya*, i. 24–5 [= tr. i. 21–3].
- 2 This is the Ḥanafī position, for which see, for example, Ibn Rushd, *Bidāya*, i. 24–5 [= tr. i. 21–3].
- 3 It is related from Abū Saʿīd al-Khudrī that the Messenger of Allah, may Allah bless him and grant him peace, once took off his sandals to do the prayer and so everyone else did the same. When the Prophet had finished, he said, "Why did you take off your sandals?" They said, "We saw you take off your sandals and so we did the same." He said, "Jibrīl came to me and told me that there was some impurity (*khathabath*) on them. When one of you comes to the mosque, let him look at the underside of his sandals and see if there is any impurity there. If there is, let him wipe it off on the ground and then do the prayer with his sandals on." (See Aḥmad, iv. 41. Cf. Abū Dāwūd, i. 184; al-Dārimī, i. 320; Aḥmad, i. 186, iv. 184.)



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- 4 For this *ḥadīth*, see above, p. 86, n. 78.
- 5 See *Muw.* i. 36 [= tr. 2:3:14]; *Mud.* i. 6.
- 6 al-Ghazālī, *Ihyā'*, i. 114 (from where the portions in italics are taken).
- 7 For the *ḥadīth* relating to this action, which in all the references cited here is attributed to the Companion Abū Qatāda rather than to the Prophet, see, for example, *Muw.* i. 35–6 [= tr. 2:3:13]; Abū Dāwūd, i. 21; al-Tirmidhī, i. 153–4; al-Nasā'ī, i. 55, 178; Ibn Mājah, i. 131; al-Dārimī, i. 187–8; Aḥmad, vii. 361, 373, 385.
- 8 al-Ghazālī, *Ihyā'*, i. 114–15 (with slight differences).
- 9 For the Mālikī position on this issue, see, for example, Ibn Rushd, *Bidāya*, i. 24 [= tr. i. 21].
- 10 For these different views, see, for example, Ibn Rushd, *Bidāya*, i. 82 [= tr. i. 80]; Ibn Juzayy, *Qawānīn*, p. 39. Cf. *Umm*, i. 47, where al-Shāfi'ī says:

Semen is not impure. If someone should ask, "Why is it rubbed or wiped off?", the answer would be, "In the same way that nasal mucus, or spittle, or earth, or food that has got on to clothing [should be rubbed or wiped off]: in order to clean it rather than because it is impure." If someone should do the prayer before rubbing or wiping it off, there is no harm in that. Nor does it become impure by getting wet with water or anything else.

- 11 For versions of this *ḥadīth*, see, for example: al-Bukhārī, i. 146–7; Muslim, iii. 196–7 [= tr. i. 170]; Abū Dāwūd, i. 107; al-Tirmidhī, i. 201–2; al-Nasā'ī, i. 156; Ibn Mājah, i. 178; Aḥmad, ix. 301, 474, 510, x. 73.
- 12 In both the printed text, p. 255, and MS Algiers 1354, f. 40a: *ka-mā qultum* ("as you say it was").
- 13 There is possibly some corruption in the text at this point, as the implication is that the (unspecified) person being mentioned here is the Prophet, whereas the same episode, with the same conversation, is mentioned in the *Muwatta'* as being between 'Umar and 'Amr ibn al-'Āṣ (see *Muw.* i. 53–54 [= tr. 2:20:85]). It is on this basis that I have assumed the meaning that I have assumed.
- 14 For a fuller version of this report, see *Muw.* i. 53–4 [= tr. 2:20:85].
- 15 For various versions of this *ḥadīth*, see, for example, al-Shāfi'ī, *Umm*, i. 47; Muslim, iii. 196–7 [= tr. i. 170–1]; Abū Dāwūd, i. 106–7; al-Tirmidhī, i. 198–9; al-Nasā'ī, i. 156–7; Ibn Mājah, i. 179; Aḥmad, ix. 461, 567–8, x. 32, 80, 124, 152.
- 16 Reading *buqa'*, as in MS Algiers 1354, f. 40b, and various versions of this *ḥadīth*, rather than *yafa'u*, as in the printed text, p. 256.
- 17 For versions with this or a similar addition, see, for example: al-Bukhārī, i. 146–7; al-Nasā'ī, i. 156; Aḥmad, ix. 474, x. 73. Cf. Muslim, iii. 196–7 [= tr. i. 170]; Abū Dāwūd, i. 107; Ibn Mājah, i. 178.
- 18 Reading *an takūna fa'alat dhālika fī ba'd al-awqāt li-tu'allimanā*, as in MS Algiers 1354, f. 40b (which would thus refer to 'Ā'isha), rather than *an yakūna fa'ala dhālika . . . li-yu'allimanā*, as in the printed text, p. 256 (which would thus refer to the Prophet).
- 19 This refers to the most widely attested view in the Mālikī *madhhab* that removing impurity is *sunna*, i.e. recommended, rather than obligatory (*wājib*), meaning that, if someone does the prayer knowing that there is impurity on his clothes or body, and he is able to remove it, he should repeat the prayer – by way of recommendation rather than obligation – while he is still within in its time (*fī l-waqt*), but would not have to make it up otherwise; according to the view that it is obligatory, his prayer would be invalid and he would have to repeat the prayer

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- whenever he could (*abadan*), whether within the time or after it. See, for example, *Mud.* i. 19–23 (for Mālik's views on the matter); *Bayān*, i. 41–2; Khalīl, *Mukhtaṣar*, p. 12; al-Disūqī, *Hāshiya*, i. 65–9; 'Illish, *Sharḥ*, i. 60–3; Ibn Rushd, *Bidāya*, i. 74–6 [= tr. i. 79–81].
- 20 See, for example, al-Shāfi'ī *Umm*, i. 47.
- 21 In his *Muḥallā* (i. 112), Ibn Ḥazm, who followed the Zāhirī methodology of Dāwūd, notes al-Awzā'ī's view that it is acceptable to do *wuḍū'* with water that a dog has licked, and then adds that this is his own view as well.
- 22 See, for example, Ibn Rushd, *Bidāya*, i. 28–31 [= tr. i. 25–9].
- 23 The full verse reads:

They will ask you what is *ḥalāl* for them. Say: All good things are *ḥalāl* for you, and [what is caught by] those hunting animals which you have taught, training them to hunt and teaching them as Allah has taught you. Eat what they catch for you, mentioning Allah's name over it. And have fear of Allah, and Allah is swift of reckoning.

- 24 For various versions of this *ḥadīth*, see, for example: al-Bukhārī, i. 285–9; Muslim, xiii. 73–80 [= tr. iii. 1065–7]; Abū Dāwūd, iii. 26–7; al-Tirmidhī, iv. 65; al-Nasā'ī, vii. 179–84; Ibn Mājah, i. 1070; Aḥmad, vi. 351–2, 354, 355, vii. 95–6, 99, 101.
- 25 For various versions of this *ḥadīth*, see, for example: *Muw.* i. 243 [= tr. 54.5.12–13]; al-Bukhārī, i. 283–4; Muslim x. 232ff [= tr. iii. 825–7]; Abū Dāwūd, iii. 25; al-Tirmidhī, iv. 79–80; al-Nasā'ī, vii. 186–9; Ibn Mājah, i. 1029; Aḥmad, ii. 204, 216, 258–9, 319, 374–5, 424, 523, iii. 90, 253, vii. 346, viii. 212, 213; al-Dārimī, ii. 90.
- 26 For this *ḥadīth* (with slight differences), see, for example, Ibn Mājah, i. 173; Ibn Rushd, *Bidāya*, i. 29 [= tr. i. 27].
- 27 See, for example, *Mud.* i. 6.
- 28 See *Muw.* i. 36 [= tr. 2.3.14]; *Mud.* i. 6.
- 29 It is unclear to me exactly what import this particular phrase has in this context and the translation may therefore be inaccurate.
- 30 I assume from the context that the word *ḥarām* in our text (p. 261) should be read as *iḥrām*, as it is *iḥrām* (for *ḥajj* and 'umra) that is being talked about.
- 31 See, for example, *Muw.* ii. 71 [= tr. 31.29.68]; al-Bukhārī, iii. 241–42; Muslim, x. 230–4 [= tr. iii. 824–5]; Abū Dāwūd, iii. 195–6; al-Tirmidhī, iii. 568; al-Nasā'ī, vii. 189–91, 309; Ibn Mājah, ii. 730–1; al-Dārimī, ii. 255; Aḥmad, i. 505, 761, v. 57, vi. 67.
- 32 See, for example, *Muw.* i. 180 [= tr. 42.5.12]; al-Nasā'ī, vii. 307–8, 177; al-Dārimī, ii. 256; Aḥmad, i. 525–6, 693.
- 33 This addition seems necessary to what is presumably a deficient text at this point, since the context demands reference also to the verse about marriage prohibitions.
- 34 For versions of this *ḥadīth* where cleaning with earth as well as water is mentioned, see, for example: Muslim, iii. 183 [= tr. i. 167]; Abū Dāwūd, i. 20–1; al-Tirmidhī, i. 151; al-Nasā'ī, i. 54, 177–8; Ibn Mājah, i. 130; al-Dārimī, i. 188; Aḥmad, iii. 415, 582, v. 627, vii. 344. Other versions exist where only water is mentioned, e.g. *Muw.* i. 43 [= tr. 2.6.36]; al-Bukhārī, i. 120; Muslim, iii. 182 [= tr. i. 166–7]; Abū Dāwūd, i. 20; al-Nasā'ī, 52–3, 176–7; Ibn Mājah, i. 130; Aḥmad, iii. 42, 60, 87, 100, 190, 358, 483.
- 35 This refers to some versions of the above-mentioned *ḥadīth* (e.g. Muslim, iii. 182 [= tr. i. 166]; al-Nasā'ī, i. 53, 176–7), where there is reference to throwing away the contents as well as washing the vessel.



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- 36 The general meaning behind this paragraph seems to be that, given already limited water resources, forbidding them to use what a dog had licked would make life difficult for them if they continued to keep dogs, and so they would be further encouraged not to keep dogs.
- 37 See *Mud.* i. 5.
- 38 It is not clear from the text – which seems corrupt at this point – who is the author of this statement, but exactly the same phrase occurs in the *Ṣaḥīḥ* of al-Tirmidhī (i. 202) attributed to Ibn ʿAbbās. *Idhkhīr* is a type of odoriferous grass (*Cymbopogon schoenanthus*), sometimes known in English as camel grass, which is closely related to lemon grass (*Cymbopogon citratus*).
- 39 A *ḥadīth* to this effect is related in Aḥmad, iii. 219. For angels not entering a house in which there is a dog, see, for example, Muslim, xiv. 81–6 [= tr. iii. 1157–8]; Abū Dāwūd, iv. 62; al-Tirmidhī, v. 114–15; al-Nasāʾī, i. 141, vii. 185; Aḥmad, i. 175, iii. 520, ix. 474. For cats being pure, see the references in n. 7 above.
- 40 al-Nawawī, *Minhāj*, p. 6. I have added the word “wet” (*raṭīb*) because this is the well-known assumption behind the judgement in the Shāfiʿī *madhhab*, as I am reliably informed by Dr Afifi al-Akiti.
- 41 *Mud.* i. 5.
- 42 This report is cited by al-Maqqarī in his biographical notes on al-Rāʾī, from al-Rāʾī’s commentary on the *Alfiyya* (*Nafḥ*, ii. 698–9).
- 43 See al-Nawawī, *Minhāj*, p. 35.
- 44 See, for example, *Muw.* i. 30–2 [= tr. 2.1.1].
- 45 For the *ḥadīth* about Abū Maḥdhūra being taught the *adhān* and saying the initial *takbīr* only twice, see, for example, *Mud.* i. 57–8; Muslim, iv. 80–1 [= tr. i. 208]; Abū Dāwūd, i. 144–5; al-Nasāʾī, ii. 3–4; Aḥmad, v. 243–4. For other versions, with the initial *takbīr* being said four times, see, for example, al-Shāfiʿī, *Umm*, i. 73; Abū Dāwūd, i. 142–4; al-Nasāʾī, ii. 4–6; Ibn Mājah, i. 234–5; al-Dārimī, i. 271; Aḥmad, v. 242–3; cf. al-Tirmidhī, i. 367.
- 46 This emendation seems demanded by the context. In *Mud.* i. 58, the words of ʿAṭā are given as: “I do not know of the *adhān* of the people of the past being different to their *adhān* today, nor do I know of the *adhān* of Abū Maḥdhūra being different to their *adhān* today.”
- 47 The printed text, p. 273, has “al-Qaraṣī”. The corrected form is taken from *Tahdhīb*, vii. 401.
- 48 Cf. *Mud.* i. 58.
- 49 For one version of this *ḥadīth* as transmitted by Mālik ibn Dīnār, see, for instance, Abū Dāwūd, i. 145.
- 50 There seems to be some corruption in the text at this point, where the printed version (p. 274) has *anna mukhbīran ḥaddathahu* (“that an informant told him”). The name in square brackets is supplied from printed versions of the *ḥadīth* in question.
- 51 For this *ḥadīth*, including versions where all nineteen phrases are spelled out, see, for example, Abū Dāwūd, i. 143–4; al-Tirmidhī, i. 367; al-Nasāʾī, ii. 4; Ibn Mājah, i. 235; al-Dārimī, i. 271; Aḥmad, v. 244–5, x. 356.
- 52 Cf. *Mad.* B i. 69, 224 / M i. 50, 124.
- 53 For these views, see, for example, Ibn Rushd, *Bidāya*, i. 124–5 [= tr. i. 136–8].
- 54 See, for instance, *Mud.* i. 62, 67; al-Bukhārī, i. 397; Muslim, iv. 111–12 [= tr. i. 219]; Abū Dāwūd, i. 218–19; al-Tirmidhī, ii. 15; Ibn Mājah, i. 267; al-Dārimī, i. 283; Aḥmad, iv. 204, 222, 230, 365, 544. (In none of these instances, however, is there any mention of ʿAlī.)
- 55 See, for example, *Mud.* i. 67; Abū Dāwūd, i. 219; Ibn Mājah, i. 267; Aḥmad, ix. 271, 526, 568.

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- 56 For a fuller version of this *ḥadīth*, in which Ubayy relates that the Prophet asked him, “What do you recite when you begin the prayer?” and he replied by reciting “*Al-ḥamdu li-llāhi rabbi l-ʿālamīn . . .*” until he got to the end of the *sūra*, see *Muw.* i. 79–80 [tr. 3.8.39].
- 57 See, for example, *Muw.* i. 78 [tr. 3.6.31]; *Mud.* i. 67; Muslim, iv. 110 [tr. i. 219]; Aḥmad, iv. 526, 548, 554. Cf. al-Nasāʾī, ii. 135.
- 58 See, for example, al-Tirmidhī, ii. 12–13; Ibn Mājah, i. 267–8; Aḥmad, vii. 343. Cf. al-Nasāʾī, ii. 135; Aḥmad, v. 626, vii. 340.
- 59 See, for example, *Muw.* i. 80–1 [= tr. 3.9.41]; Muslim, iv. 101–2 [= tr. i. 215–16]; Abū Dāwūd, i. 228; al-Tirmidhī, v. 201; al-Nasāʾī, ii. 135–6; Ibn Mājah, ii. 1243–4; Aḥmad, iii. 33, 130, 483–4.
- 60 The printed text (p. 280), which may be corrupt at this point, reads, literally, “putting five fingers together (*wa-ʿaqada khams aṣābiʿ*)”. Cf. Ibn Kathīr, *Tafsīr*, i. 16, where there is mention of a *ḥadīth* from Umm Salama recorded by Ibn Khuzayma in his *Ṣaḥīḥ* to the effect that “the Prophet, may Allah bless him and grant him peace, recited the *basmala* at the beginning of the *Fātiḥa* in the prayer and counted it as an *āya* (*wa-ʿaddahā āya*).” A similar version is recorded in al-Jaṣṣāṣ, *Aḥkām*, i. 11.
- 61 See, for example, Muslim, iv. 111 [= tr. i. 219], vi. 57–60 [= tr. i. 373–4]; Abū Dāwūd, i. 211–12; al-Tirmidhī, ii. 9–10, v. 485; al-Nasāʾī, ii. 129–31; al-Dārimī, i. 282.
- 62 This reading of Q.5:89 is attributed to Ubayy, Ibn Masʿūd and Ibrāhīm al-Nakhaʿī, among others (see, for example, *Muʿjam al-qirāʾāt*, ii. 236; Ibn ʿAṭīyya, *Muḥarrar*, v. 181; Jeffrey, *Materials*, pp. 40, 129, 198, 289).
- 63 The structure of this sentence in our text is not entirely clear, but one assumes the meaning is that al-Zarkashī narrated this view from Ibn al-Samʿānī, a Shāfiʿī scholar with a Ḥanafī background, who in turn related it from al-Jaṣṣāṣ (“Abū Bakr al-Rāzī”). It is mentioned by al-Jaṣṣāṣ in his *Aḥkām al-Qurʾān*, i. 12.
- 64 This phrase is recorded from Ibn Masʿūd among others (see, for example, al-Dānī, *Muḥkam*, pp. 10–11).
- 65 For those disliking vowel points (i.e. the coloured dots used to indicate vowels in early Qurʾānic manuscripts) and ten-verse markers, see, for instance, al-Dānī, *Muḥkam*, pp. 10–11, 14–15.
- 66 Although there is agreement that Ḥamza would join between *sūras* in this way, there is dispute about whether this is in fact the preferred way in Abū ʿAmr’s reading. See, for example, Ibn Ghalbūn, *Tadhkira*, i. 63–4; Ibn al-Jazarī, *Nashr*, i. 259–71.
- 67 For the different readings with or without the word *huwa*, see, for instance, Ibn Mujāhid, *Sabʿa*, p. 627; Ibn Ghalbūn, *Tadhkira*, ii. 582; Ibn Mihrān, *Mabsūt*, p. 430; Ibn al-Jazarī, *Nashr*, ii. 384; al-Bannāʾ, *Iṭḥāf*, p. 411.
- 68 For the different readings with or without the word *min*, see, for instance, Ibn Mujāhid, *Sabʿa*, p. 317; Ibn Ghalbūn, *Tadhkira*, ii. 359; Ibn Mihrān, *Mabsūt*, p. 229; Ibn al-Jazarī, *Nashr*, ii. 280; al-Bannāʾ, *Iṭḥāf*, pp. 244, 246.
- 69 Despite the absence of any negation in the printed text (p. 287), (a) the context seems to demand it, and (b) this is the view recorded from al-Nawawī elsewhere, e.g. in Abū Zurʿa al-ʿIrāqī, *al-Ghayth al-hāmīʿ*, i. 100–3.
- 70 Our text (p. 287), which reads *wa-lam yakfihim minhu l-istighfār bi-l-lisān li-l-Imām al-Shāfiʿī ḥattā kashafū raʾsahu wa-qafala ʿalayhi l-bāb, wa-law lā mā faʿala bihim dhālika mā ḥaṣala lahu minhum khayrun wa-lam yatakhallaṣ minhum*, seems corrupt at this point, and my translation is an attempt to make reasonable sense of it.



- 71 For Ibn Kathīr's view on this point, see, for instance, Ibn Ghalbūn, *Tadhkirah*, i. 63; Ibn al-Jazarī, *Nashr*, i. 259, 270–1.
- 72 See, for example, Ibn al-ʿArabī, *Aḥkām*, ii. 826.
- 73 See, for example, Ibn al-ʿArabī, *Aḥkām*, ii. 827.
- 74 See al-Nasāʾī, ii. 141–2; Ibn Mājah, i. 276; Aḥmad, iii. 401. (Many other versions of this *ḥadīth* are recorded in the main collections, both from Abū Hurayra and other Companions.)
- 75 For slightly different versions of this report, see *Muw.* i. 80 [= tr. 3.8.40]; *Mad.* i. 68.
- 76 See Ibn Mājah, i. 277; Aḥmad, v. 100.
- 77 I have not been able to find this *ḥadīth* with this wording in the standard collections. However, a *ḥadīth* from ʿImrān ibn Ḥuṣayn with the same general import is related by Muslim (iv. 109–10 [= tr. i. 218–19]), Abū Dāwūd (i. 231), al-Nasāʾī (ii. 140, iii. 247) and Aḥmad (vii. 192, 203, 206, 221).
- 78 See *Muw.* i. 82 [= tr. 3.10.46].
- 79 See *Muw.* i. 82 [= tr. 3.10.45].
- 80 See *Muw.* i. 81–2 [= tr. 3.9.42–4] (where only reports from Hishām, al-Qāsim and Nāfiʿ are specifically mentioned).
- 81 For al-Shāfiʿī's position, see, for example, *Umm*, i. 152–4.
- 82 See *Muw.* i. 87 [= tr. 3.14.61]; al-Bukhārī, i. 388; Muslim, iv. 133 [= tr. i. 227]; Aḥmad, iii. 191.
- 83 For this phrase without the words “your *imāms*”, see, for instance, Muslim, iv. 154 [= tr. i. 238]; Abū Dāwūd, i. 187, 189; al-Tirmidhī, i. 440–1; al-Nasāʾī, ii. 87, 90; Ibn Mājah, i. 312–13; al-Dārimī, i. 290; Aḥmad, ii. 179–80, vi. 409.

## 4 EXAMPLES OF PREJUDICE

- 1 For the Zāhiriyya Madrasa (of which a very small part still survives), founded by the Mamluk sultan al-Zāhir Baybars in 660–2/1262–3, see Creswell, *Muslim Architecture*, ii. 143–6, and Plates 44 and 45; Petry, *Civilian Elite*, p. 331 [= No. 23 in the map on p. 169].
- 2 Makhlūf, in his biographical notice on Qadi ʿAbd al-Wahhāb (*Shajara*, i. 104), mentions that a certain Shāfiʿī *qādī* acquired a copy of the *Nuṣra* in the author's own handwriting, but says that he threw it into the Nile.
- 3 The printed text (p. 298), which here reads *wa-ḥamalahu mahruqan bi-l-thalj* (lit. “and carried him burnt with ice”) seems corrupt at this point and I have only attempted to convey what must be the general sense.
- 4 For a very similar version of this *ḥadīth*, see Aḥmad, ii. 693–4; also, for other versions, Abū Dāwūd, iv. 141; Ibn Mājah, ii. 894.
- 5 For “rubbing” (*dalk*) being obligatory with the Mālikīs but not with the Shāfiʿīs, see, for example, Khalīl, *Mukhtaṣar*, p. 14 (Mālikīs); al-Bayjūrī, *Ḥaṣhiya*, i. 62 (Shāfiʿīs). For the dispute about whether one needs to wipe over the whole head (Mālikīs) or only part of the head (Shāfiʿīs), see, for instance, Ibn Rushd, *Bidāya*, i. 12, 44 [= tr. i. 7–8, 44]; also above, pp. 115–16.
- 6 For this point, see, for instance, Ibn Rushd, *Bidāya*, i. 16–17 [= tr. i. 13].
- 7 For this point, see, for instance, Ibn Rushd, *Bidāya*, i. 27–28 [= tr. i. 25].
- 8 For this judgement, see, for example, *Muw.* i. 228 [= tr. 18.22.60].
- 9 For this point, see, for instance, Ibn Rushd, *Bidāya*, i. 123–4 [= tr. i. 135–6].
- 10 The grammar of our text at this point (p. 303) suggests the meaning “without him having said it out loud (*wa-lam yajhar bihā*)”, but I presume the intended meaning is as I have translated it, as there is counter-evidence for the other position.

- 11 For references, see above, pp. 119–20.
- 12 See above, p. 118.
- 13 See Ibn Hajar, *Rafʿ al-iṣr*, i. 127–8 (also 126); also al-Kindī, *Kitāb al-Wulāt*, p. 371.
- 14 See Ibn Hajar, *Rafʿ al-iṣr*, i. 128; also al-Kindī, *Kitāb al-Wulāt*, p. 372.
- 15 See *Tawālī*, p. 180 (with slight differences).
- 16 See *Tawālī*, p. 185.
- 17 For these lines, and others from the same poem, see, for example, *Tawālī*, pp. 186–7.
- 18 This is how the words appear in the printed text, p. 310. It is unclear to me what these words mean, and one suspects corruption in the text at this point.
- 19 This exchange revolves around the expression *yufʿalu bihi* having homosexual overtones.
- 20 For this judgement, see, for example, Khalīl, *Mukhtaṣar*, p. 285 (where the text runs: *wa-shuddida ʿalayhi fī «kullu ṣāḥibi funduqin qarnānu wa-law kāna nabīyyan»* – “Anyone who says ‘Everyone who owns a caravanserai is a pimp, even if he is a prophet’ should be dealt with severely”; al-Disūqī, *Ḥaṣhiya*, iv. 312; ʿIllish, *Sharḥ*, ix. 240).
- 21 The printed text, p. 310, has *bi-khilāfi qawlika* (“this is different to what you (*sic*) are saying”).
- 22 The printed text, p. 311, has “al-ʿIrāqī” instead of “al-Gharrāqī”. I owe this identification to Dr Afifi al-Akiti.
- 23 For the report in question, see Ibn Hajar, *al-Rahma al-ghaythiyya*, p. 6, where Ibn Hajar reports that Abū ʿAbdallāh al-Būshanjī said: “I heard Yahyā ibn Bukayr say: I was told that Saʿīd ibn Abī Ayyūb used to say: ‘If Mālik and al-Layth were to have met, Mālik would have been dumb in his presence and al-Layth could have sold him to whoever he wanted.’” In his “Life and Works” (p. 109), Rahmani notes that, in 846/1442, Ibn Hajar became the “director-cum-teacher of *fiqh*” of the Ṣalāhiyya Madrasa, next to the tomb of al-Shāfiʿī, a post he remained in for two years. He also mentions how, for his first lecture in this *madrasa*, which was delivered in a hall attached to the head of the tomb of al-Shāfiʿī, Ibn Hajar read out his book *Tawālī al-taʾsīs*, about the excellence of Imam al-Shāfiʿī, and that this was done in front of a large audience, including many leading scholars, many of whom were his own teachers. Presumably, his book on the excellence of al-Layth was read out in the same place in front of a similar audience. (One should note that, in the printed version of Rahmani's thesis [*Islamic Culture*, xlv (1972), p. 267], the original “al-Ṣalāhiyya” has been incorrectly changed to “al-Ṣālihiyya”.) For the Ṣalāhiyya Madrasa – no traces of which now survive – built by order of Ṣalāh al-Dīn al-Ayyūbī next to the grave of Imam al-Shāfiʿī for the teaching of the Shāfiʿī *madhhab*, see Creswell, *Muslim Architecture*, ii. 64; Behrens-Abouseif, *Islamic Architecture*, p. 85; also, for Ibn Hajar's teaching there, *Dawʿ*, ii. 39.
- 24 See above, pp. 35–6.
- 25 See above, p. 100.
- 26 For comments to this effect by al-Qaṭṭān and ʿAtīq al-Zubayrī, see above, pp. 59 and 74.
- 27 See above, p. 45.
- 28 The printed text, p. 315, has “al-Ḥakam”. The emendation is from *Tawālī*.
- 29 See *Tawālī*, pp. 153–4; also *Mad.* B i. 141, 385 / M i. 171; iii. 179.
- 30 See above, p. 96.
- 31 *Mad.* B i. 94–5 / M i. 89–90.



- 32 See above, pp. 66–7.  
 33 See above, p. 41.  
 34 It is not clear who this “Shaykh Khalīl” is. One would initially think of the author of the famous *Mukhtaṣar*, but no such phrase as this occurs in the section therein on *taffīs* (pp. 201–4).  
 35 See above, p. 59.  
 36 See above, p. 99.  
 37 This principle does not, of course, apply to differences with regard to legal judgements.  
 38 The printed text at this point (p. 321) has “al-Asadī”, but see above, p. 40.  
 39 The book in question is *al-Risāla (al-Dimashqiyya) fī (tark) rafʿ al-yad fī l-ṣalāt wa-ʿadam jawāzihā ʿinda l-Ḥanafīyya* (see *GAL*, ii. 79, S ii. 88).  
 40 See ʿIyād, *al-Shifā*, ii. 62 [= tr. p. 251].  
 41 The *ḥarāfīsh*, often referred to in Mamlūk sources, were beggars and mendicants noted for their barbarous appearance and vulgar manner of speech (see, for example, Lapidus, *Muslim Cities*, pp. 106, 177–83; Rahmani, “Life and Works”, p. 52 [= *Islamic Culture*, xlv (1971), p. 283]).  
 42 The printed text, p. 326, reads: *bi-ʿamāʾimihim al-kabīra al-muzaghṛaka* (var. *mazghūla*) *bi-l-sharāmīt*. It is not clear what the meaning of these last words is here. The editor of our text notes that neither *muzaghṛaka* nor *mazghūla* appears in the standard dictionary *Lisān al-ʿarab*, and that they are presumably dialectal words in use at the time. Hava (*Dictionary*, p. 363) gives the meaning of the verb *sharmāṭa* as “to tear a. th. to rags”, while *sharmūṭa* (pl. *sharāmīt*) is glossed as “duster” in addition to the more familiar meaning of “prostitute, whore”. For *qāḍīs* and scholars wearing “abnormally big turbans” during the Mamlūk period, see, for instance, Mayer, *Mamluk Costume*, p. 49.  
 43 The printed text (p. 326) reads: *fī shāmātikum* (var. *shiyāshātikum*) *al-kibār wa-farajīyyātikum*. In his dictionary (p. 553), Hava glosses the word *farajīyya* as a “fur-mantle” or “ample gown”. Mayer notes that “the upper coat of the learned class was the *farajīyya*, of which the most elegant one – as for instance the kind which the sultan offered as presents – was lined with grey squirrel and trimmed with beaver” (*Mamluk Costume*, p. 52). I have not been able to ascertain the meaning of the word *shāmāt*, beyond the obvious assumption that it refers to some type of clothing – unless perhaps the word is meant to be *shāshār*, in which case it presumably refers to the muslin (*shāsh*) used for a turban, and thus the turban itself.  
 44 See above, p. 114.  
 45 See above, p. 50.  
 46 This anecdote is related by al-Maqqarī in his biographical section on al-Rāʾī (*Nafḥ al-ṭīb*, ii. 698).  
 47 This anecdote also is related by al-Maqqarī in his biographical section on al-Rāʾī (*Nafḥ al-ṭīb*, ii. 698).  
 48 The printed text has *fiqh al-naḥs* (“understanding the self”) with a footnote mentioning that two of the three manuscripts used actually have *fiqh al-tafsīr* (“understanding *tafsīr*”). Perhaps more likely than either is *fiqh al-qiyaṣ* (“understanding *qiyaṣ*”), with a scribal error resulting in the options given. The same textual problem occurs in the earlier quotation of the same statement (see above, p. 49).  
 49 See above, p. 49.  
 50 There may be some corruption in the text here, as Hafiz Mughaltāy is known as a Ḥanafī scholar.  
 51 See *Tawālī*, p. 191.

- 52 For Mālik using this title for Ibn Wahb, see, for example, *Mad.* B ii. 422 / M iii. 230.  
 53 See above, p. 43.

## 5 POINTS WHERE SPECIALISTS MAKE MISTAKES

- 1 Sībawayhi, *Kitāb*, iv. 42 (with slight differences).  
 2 In his *Ṣaḥāḥ* (i. 81), al-Jawharī says that the form *waḍūʾ* is used both for the water used and as the verbal noun (*maṣḍar*). He then mentions al-Yazīdī's view that the verbal noun is *wuḍūʾ* (rather than *waḍūʾ*), after which he mentions that it is related from Abū ʿAmr that *qabūl*, with an *a*, is a verbal noun, but that he knew of no other examples (i.e. of the pattern *faʿūl* being used as a verbal noun).  
 3 This opinion is also related by al-Jawharī in his *Ṣaḥāḥ* (i. 81).  
 4 See al-Jawharī, *Ṣaḥāḥ*, ii. 664–5.  
 5 Of the Ten Readers, Nāfiʿ, Ibn Kathīr and Abū ʿAmr read *uklahā*; the rest read *ukulahā* (see, for instance, Ibn Mujāhid, *Sabʿa*, p. 190; Ibn Mihrān, *Mabsūṭ*, p. 151).  
 6 The reference here is presumably to the phenomenon of *naql al-hamz*, which is effectively an elision of the *hamza*, whereby the vowel of a word-initial *hamzat al-qatʿ* coming after a *sākin* consonant is understood to “move” (*naql*) to the preceding consonant, as in pronunciations such as *manāmana* instead of *man ʾāmana*, in *kānatillā* instead of *in kānat ʾillā*, etc. (This phenomenon is characteristic of, and specific to, the reading of Warsh from Nāfiʿ, with which al-Rāʾī, as a scholar from Andalusia where the reading of Warsh was prevalent, would have been familiar.)  
 7 The printed text, p. 337, has *imāma*, which seems to make no sense.  
 8 Cf. Wright, *Grammar*, i. 22.  
 9 The reading *miʾatin*, with *tanwīn*, is the reading of the majority of the Ten Readers, although the Madinan Abū Jaʿfar read *thalātha miyatīn sinīna*, with a *yāʾ* instead of a *hamza*; the Kufans Ḥamza, al-Kisāʾī and Khalaf read *thalātha miʾatī sinīna*, without *tanwīn* (see, for instance, Ibn Mujāhid, *Sabʿa*, pp. 389–90; Ibn Mihrān, *Mabsūṭ*, pp. 105, 276).  
 10 For Abū Jaʿfar reading *miya* without pronouncing a *hamza*, see previous note.  
 11 See Ibn ʿAqīl, *Sharḥ al-Alfiyya*, p. 195 [= Beirut edn, iv. 215].



## GLOSSARY

*adhān* the call to prayer  
*ahl al-ahwā'* lit. "the people of vain fancies"; heretics  
*ahl al-kalām* "the people of scholastic theology", theologians  
*akhbār al-āḥād* reports, i.e. *ḥadīths*, related by only one or very few persons directly from the Prophet  
*ʿālim* (pl. *ʿulamā'*) scholar, man of knowledge  
*ʿamal* practice, specifically the practice of the people of Madina during the time of the Salaf (q.v.)  
*amīr* governor (of a city); commander; prince  
*Amīr al-Mu'minīn* Commander of the Faithful (a title of the caliph)  
*Anṣār* Helpers, i.e. those resident in Madina who helped the Muhājirīn (q.v.) when they first arrived  
*ʿaṣr* the afternoon prayer  
*awliyā'* pl. of *walī* (q.v.)  
*awqāf* pl. of *waqf* (q.v.)  
*āya* verse of the Qur'an  
*baraka* (spiritual) blessing  
*basmala* (saying) the phrase *bi-smi llāhi r-raḥmāni r-raḥīm* ("in the name of God, the Compassionate and Merciful")  
*bid'ā* (blameworthy) innovation  
*dīn* religion, life-transaction  
*du'ā'* prayer, supplication  
*fajr* first light, dawn; loosely, the morning, or dawn, prayer  
*faqīh* (pl. *fuqahā'*) a man of *fiqh* (q.v.); lawyer, jurist  
*faqīr* (pl. *fuqarā'*) lit. "a poor person", "one in need"; follower of a Sufi shaykh  
*fard* obligatory; an obligatory act  
*Fātiḥa* the opening *sūra* (q.v.) of the Qur'an  
*fatwā* a legal ruling on a matter  
*fiqh* lit. "understanding"; law, jurisprudence  
*fuqahā'* pl. of *faqīh* (q.v.)

## GLOSSARY

*fuqarā'* pl. of *faqīr* (q.v.)  
*ghusl* the "major" ablution, or act of purification  
*ḥadīth* a report, especially one recorded from or about the Prophet  
*ḥajj* the (greater) pilgrimage to Makka; one of the Five Pillars of Islam  
*ḥalāl* permitted, lawful  
*ḥarām* not permitted, unlawful  
*hijra* emigration, especially that from Makka to Madina at the time of the Prophet  
*iḥrām* the ritual state necessary when doing *ḥajj* or *ʿumra*  
*ijāza* permission (to pass on *ḥadīth* material etc.)  
*ijtihād* lit. "making effort"; the process of deriving new judgements in the law from the basic sources  
*imām* prayer-leader; also an expert (in the law, *ḥadīth*, etc.)  
*īmān* belief  
*iqāma* the "minor" call to prayer immediately before the prayer is done  
*ʿishā'* the late evening prayer  
*isnād* chain of authority, especially of a *ḥadīth*  
*jamā'a* a group, especially of people doing the prayer  
*janāza* funeral prayer  
*Ka'ba* lit. "cube"; the large cubic stone structure standing in the centre of the Great Mosque in Makka  
*kaffāra* (act of) expiation  
*kāfir* lit. "ingrate", "rejector"; unbeliever  
*karāma* (pl. *karāmāt*) "minor" miracles (as opposed to the "major" miracles of the prophets)  
*khaṭīb* one who gives the *khuṭba* (q.v.)  
*Khawārij* (sing. *Khārijī*) Seceders; those who seceded from the main body of Muslims at the time of ʿAlī and Mu'āwiya  
*khuṭba* the Friday sermon in a mosque  
*kufr* lit. "ingratitude"; unbelief  
*kunya* the name of a person whereby they are referred to as Abū X ("the father of X") or Umm X ("the mother of X"), where X is usually that person's eldest son  
*madhhab* (pl. *madhāhib*) opinion, way of doing or understanding something; school of law  
*madrasa* school, college  
*majdhūb* "mad in Allah"  
*maṣāḥif* pl. of *muṣḥaf* (q.v.)  
*al-maṣāliḥ al-mursala* lit. untrammelled interests; as a legal principle, considerations of the public good  
*mawlā* freed slave  
*miḥrāb* prayer-niche in a mosque  
*minbar* mimbar, pulpit



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*minbar* mimbar, pulpit



# GLOSSARY

- mu'adhdhin* one who calls the *adhān* (q.v.)
- mudd* a measure roughly equivalent to a double handful (of, for example, grain)
- mufasssīr* author of a *tafsīr*, or commentary, on the Qur'an
- muftī* one who issues *fatwās* (q.v.)
- Muhājirīn* Emigrants, those who emigrated from Makka to Madina at the time of the Prophet
- mujtahid* a man of *ijtihād* (q.v.)
- murīd* a follower, or student, of a Sufi shaykh
- muṣannaf* organised by category; a collection of *ḥadīth* (q.v.) organised by subject-matter
- musāqāt* sharecropping contract over the lease of a plantation
- muṣḥaf* (pl. *maṣāḥif*) a written copy of the Qur'an
- musnad* (of a *ḥadīth*) with a complete *isnād* (q.v.)
- mutawātir* (of a *ḥadīth*) having multiple chains of authority directly from the Prophet
- nisba* that part of a name indicating "belonging", e.g. to a place or a tribe and the like
- qāḍī* judge
- qārī* a reciter, or "reader", of the Qur'an
- qasāma* an oath, taken by fifty members of a tribe or locality to refute or establish accusations of complicity in unclear cases of homicide
- qibla* the direction of Makka
- qirā'āt* readings; specifically, the different systems of reading the Qur'an
- qiyās* reasoning by analogy
- rak'a* the bowing position in the prayer or, more generally, a cycle of the prayer, consisting of the positions of standing, bowing, prostration and sitting
- ribā* usury
- rukū'* the bowing position of the prayer
- ṣā'* a measure equivalent to four *mudds* (q.v.)
- ṣaḥīḥ* (of a *ḥadīth*) authentic
- Ṣaḥīḥayn* the "Two Authentic [collections of *ḥadīth*]" compiled by al-Bukhārī and Muslim respectively
- sajda* prostration (especially in the prayer)
- Salaf* the praiseworthy first three generations of Muslims
- ṣāliḥīn* people of right action
- Sharī'a* the divinely revealed law (lit. "pathway") of the Muslims
- shaykh* teacher, man of knowledge; leading scholar
- ṣubḥ* the obligatory morning prayer
- subḥāna llāh* "Glory be to God!" (used as an expression of wonder or surprise)
- Ṣuffa* the bench outside the Prophet's mosque in Madina

# GLOSSARY

- sujūd* the position of prostration when doing the prayer
- sunna* normative practice, especially of the Prophet
- sūra* a chapter of the Qur'an
- sutra* a barrier, consisting of a stick or the like, that someone puts in front of himself when doing the prayer so that other people can pass in front of him
- Ṭabī'in* the Followers, or Successors, i.e. the generation who followed the Companions
- tafsīr* commentary on the Qur'an
- takbīr* saying the phrase *Allāhu akbar* ("God is greater")
- taqwā* piety, God-fearingness
- taṣawwuf* Sufism
- ṭawāf* circumambulation of the Ka'ba (q.v.) in Makka
- ṭawātur* transmission via multiple chains of authority directly from the Prophet
- tayammum* "dry" ablution, using dust or earth instead of water, as a replacement for *wuḍū'* (q.v.) or *ghusl* (q.v.)
- 'ulamā'* pl. of *'ālim* (q.v.)
- umarā'* pl. of *amīr* (q.v.)
- umm walad* a slave-girl who is the mother of a child by her master, and who automatically becomes free on her master's death
- umma* community, especially the community of the Muslims
- 'umra* the "lesser" pilgrimage to Makka
- uṣūl* roots, sources, bases (especially of the Law)
- uṣūlī* specialist in *uṣūl* (q.v.)
- walī* (pl. *awliyā'*) lit. friend (of Allah); one close to Allah
- waqf* (pl. *awqāf*) charitable endowment
- wuḍū'* the "minor" ablution, or act of purification
- zakāt* obligatory charity or tithe
- zakāt al-ḥiṭr* obligatory charity due at the end of the month of Ramadan
- zandaqa* atheism
- zinā* illicit sexual intercourse
- zindīq* freethinker, atheist
- zuhr* the midday prayer



## BIOGRAPHICAL NOTES

Names are given in alphabetical order (with "al-" being ignored for listing purposes) in the form in which they appear in the text. I have aimed to minimise references by citing, where appropriate, the *Encyclopaedia of Islam* (EI) and/or the works of Brockelmann (GAL) and Sezgin (GAS), which in turn cite the main references, although this procedure has not been followed in all cases. Many other sources are of course available. Where names have been unidentified, especially those of certain sub-narrators in the *isnāds* in passages cited by al-Rā'ī from other texts, this has been noted. The italic figures in parentheses after each main entry indicate the pages on which reference to that particular individual occurs.

- al-ʿAbbās [ibn ʿAbd al-Muṭṭalib ibn Hāshim] (d. c. 32/653): Companion, and uncle of the Prophet; the ancestor from whom the ʿAbbāsīd dynasty took its name. See EI (2), i. 8–9; *Tahdhīb*, v. 122–3. (45)
- ʿAbd al-ʿAzīz ibn Abān (d. ?): unidentified sub-narrator in Abū Nuʿaym's *Ḥilya* (possibly ʿAbd al-ʿAzīz ibn Abān ibn Muḥammad [d. 207/822], a Kufan scholar who settled in Baghdad; see *Tahdhīb*, vi. 329–31). (58)
- ʿAbd al-ʿAzīz ibn al-Mājīshūn = ʿAbd al-ʿAzīz ibn ʿAbdallāh ibn Abī Salama al-Mājīshūn (d. c. 164/780): Madinan *faqīh* who died in Iraq. See *Tahdhīb*, vi. 343. (46)
- ʿAbd al-Ḥamīd ibn Jaʿfar (d. 153/770): Madinan transmitter of *ḥadīth*. See *Tahdhīb*, vi. 111–12. (121)
- ʿAbd al-Raḥmān ibn ʿAbdallāh [ibn ʿUmar] al-ʿUmarī (d. 186/802): Madinan transmitter of *ḥadīth* who settled in Baghdad; appointed *qāḍī* by al-Rashīd (q.v.). See *Tahdhīb*, vi. 213–14. (164)
- ʿAbd al-Raḥmān ibn ʿAwf (d. 32/652): Companion. See EI (2), i. 84. (88–9)
- ʿAbd al-Raḥmān ibn Mahdī (d. 198/813): Basran *ḥadīth* scholar. See *Tahdhīb*, vi. 279–81; *Mad. B* i. 399–404 / *M* iii. 202–9. (28, 30, 42, 44, 55, 57, 63, 67, 70, 72, 94)
- ʿAbd al-Raḥmān ibn al-Qāsim al-ʿUtaqī (d. 191/806): Egyptian *faqīh*; one of Mālik's main students. See EI (2), iii. 817; GAS, i. 465; *Mad. B* ii. 433–47 / *M* iii. 244–61. (40, 43, 51–2, 65, 69, 74–5, 146, 148–9, 169, 172)
- ʿAbd al-Raḥmān ibn Zayd ibn Aslam (d. 182/798): son of Zayd ibn Aslam (q.v.); transmitter of *ḥadīth*. See GAS, i. 38. (127)

## BIOGRAPHICAL NOTES

- ʿAbd al-Razzāq [ibn Hammām ibn Nāfiʿ] al-Ṣanʿānī (d. 211/827): transmitter of *ḥadīth*; compiler of a *Muṣannaf*. See GAS, i. 99; *Tahdhīb*, vi. 310. (29, 55)
- ʿAbd al-Salām ibn ʿĀṣim [al-Juʿfī al-Hisinjānī al-Rāzī] (fl. third century AH): transmitter from Aḥmad ibn Ḥanbal and others. See *Tahdhīb*, vi. 322. (37)
- ʿAbd al-Wahhāb [ibn ʿAlī] ibn Naṣr al-Baghdādī, Abū Muḥammad (d. 422/1031): Mālikī *faqīh* and *qāḍī* in Baghdad and, at the end of his life, in Egypt; author of numerous books, including *al-Talqīn*, *al-Mumahhad fī sharḥ Mukhtaṣar al-Shaykh Abī Muḥammad*, and *Kitāb al-Nuṣra li-madhhab Imām Dār al-Ḥijra*. See GAL, S i. 660; *Mad. B* iv. 691–5 / *M* vii. 220–7. (20, 28–30, 78, 80, 104, 107, 113, 116, 118, 120–1, 126, 128, 130–1, 136, 180)
- ʿAbd al-Wārith ibn Saʿīd ibn Dhakwān (d. c. 180/796): Basran transmitter. See *Tahdhīb*, vi. 441. (84)
- ʿAbdallāh ibn Abī Bakr [ibn Muḥammad] ibn ʿAmr ibn Ḥazm (d. 130/747 or 135): Madinan transmitter; son of Abū Bakr ibn ʿAmr ibn Ḥazm (q.v.) and brother of Muḥammad ibn Abī Bakr ibn Ḥazm (q.v.). See GAS, i. 284. (69)
- ʿAbdallāh ibn Jaʿfar al-Madīnī / al-Madanī (d. 178/794): transmitter from Mālik; father of ʿAlī ibn al-Madīnī (q.v.). See *Mad. B* i. 257 / *M* ii. 175. (46)
- ʿAbdallāh ibn al-Mubārak (d. 181/797): *ḥadīth* scholar; student of Mālik and al-Thawrī. See EI (2), iii. 879; GAS, i. 95; *Mad. B* i. 300–9 / *M* iii. 36–51. (45, 57, 62, 65, 122, 126, 140, 146)
- ʿAbdallāh ibn [al-]Mughaffal (d. 57/678 or 60 or 61): Companion; one of ten men sent by ʿUmar (q.v.) to teach the people of Basra. See *Tahdhīb*, vi. 42. (119, 134)
- ʿAbdallāh ibn Muḥammad ibn Jaʿfar (d. ?): unidentified sub-narrator in Abū Nuʿaym's *Ḥilya*. (58)
- ʿAbdallāh ibn Muḥayrīz (d. c. 99/717): Makkan transmitter who settled in Jerusalem. See *Tahdhīb*, vi. 22–3. (117)
- ʿAbdallāh ibn ʿUmar (d. 73/692): Companion; son of the second caliph ʿUmar (q.v.). See EI (2), iii. 873–5. (47, 69, 74, 88, 92, 94, 128, 148)
- ʿAbdallāh ibn Wahb (d. 197/812): Egyptian *faqīh* and *ḥadīth* scholar; student of Mālik. See EI (2), iii. 963; GAS, i. 466; *Mad. B* ii. 421–33 / *M* iii. 228–43. (40, 42, 44, 53–4, 69, 149, 183)
- al-ʿAbdūsī, see Abū l-Qāsim al-ʿAbdūsī
- al-Abharī, see Abū Bakr al-Abharī
- Abū l-ʿAbbās ibn Taymiyya = Aḥmad ibn ʿAbd al-Ḥalīm Taqī al-Dīn (d. 728/1328): well-known Ḥanbalī scholar; Shaykh al-Islam in his time. See EI (2), iii. 951–5. (65)
- Abū l-ʿAbbās al-Tayālīsī, Aḥmad ibn Muḥammad (fl. third century AH): Baghdādī Mālikī scholar; student of Qaḍī Ismāʿīl (q.v.). See *Mad. M* v. 49; *Dībāj*, p. 32. (79)
- Abū ʿAbdallāh, the *mawlā* of the Laythis (d. ?): unidentified sub-narrator in Abū Nuʿaym's *Ḥilya*. (57)
- Abū ʿAbdallāh al-Būshanjī, Muḥammad ibn Ibrāhīm (d. 290/902 or 291): transmitter of *ḥadīth*. See *Tahdhīb*, ix. 8–10. (181)
- Abū ʿAbdallāh Muḥammad ibn ʿAmmār al-Mayūrqī = Abū ʿAbdallāh Muḥammad ibn Mūsā ibn ʿAmmār al-Kalāʿī al-Mayūrqī (alive in 485/1092): Andalusian *faqīh* who settled in Bejaʿa. See *Mad. B* iv. 826–7 / *M* viii. 159; *Nafḥ*, ii. 60. (97)
- Abū ʿAbdallāh Muḥammad ibn Ibrāhīm al-Ḥaḍramī (d. ?): student of Ibn ʿAjurrūm (q.v.) and teacher of Abū Jaʿfar Aḥmad ibn Muḥammad ibn Sālim al-Judhāmī (q.v.); otherwise unidentified. (7)



# BIOGRAPHICAL NOTES

- Abū l-Aḥwaṣ = Sallām ibn Sulaym al-Kūfī (d. 179/795): Kufan ḥadīth scholar. See al-Dhahabī, *Mizān al-iʿtidāl*, iii. 253–4; *Shadharāt*, i. 292. (56, 167)
- Abū ʿAmr ibn al-ʿAlāʾ (d. 159/770): Basran qārī; one of the Seven Readers. See *EI* (2), i. 105–6; *Ghāya*, i. 288–92. (124, 179, 183)
- Abū l-Aswad [Muḥammad ibn ʿAbd al-Raḥmān] ibn Nawfal [al-Nawfalī] (d. c. 137/754): known as “ʿUrwa’s orphan”, i.e. the orphan of ʿUrwa ibn al-Zubayr (q.v.); transmitter, esp. of historical ḥadīth. See *Tahdhīb*, ix. 307–8. (40, 54)
- Abū Bakr (d. 13/634): first of the four Rightly Guided Caliphs. See *EI* (2), i. 109–11. (39, 42, 70, 86, 101, 108, 119–20, 134, 136, 144, 175)
- Abū Bakr ʿAbdallāh ibn Yaḥyā ibn Zakariyyā al-Anṣārī (d. ?): author of *Khulāṣat al-bāḥithīn fī ḥaṣr al-wārithīn*, and teacher of al-Mintūri (q.v.); otherwise unidentified. (7)
- Abū Bakr al-Abharī, Muḥammad ibn ʿAbdallāh (d. c. 375/986): Shaykh of the Mālikīs in Iraq in his time. See *GAS*, i. 477; *Mad.* B iv. 466–73 / M vi. 183–92. (78–9)
- Abū Bakr Aḥmad ibn ʿAlī = al-Khaṭīb al-Baghdādī (d. 463/1071): author of, among many other works, *Asmāʾ al-ruwāt li-l-Imām Mālik ibn Anas*, on those who related from Mālik. See *GAL*, i. 329, S i. 562–4; *GAS*, i. 463. (46, 62)
- Abū Bakr al-Athram (d. 273/886): follower of Aḥmad ibn Ḥanbal from Iskāf. See *GAS*, i. 509–10. (161)
- Abū Bakr ibn ʿAmr ibn Ḥazm = Abū Bakr ibn Muḥammad ibn ʿAmr ibn Ḥazm (d. c. 120/727): famous scholar and qāḍī in Madina. See *Tahdhīb*, xii. 38–40. (70)
- Abū Bakr ibn al-Ṭayyib = Qaḍī Abū Bakr Muḥammad ibn al-Ṭayyib al-Bāqillānī (d. 403/1013): prolific author; head of the Mālikīs in Iraq in his time. See *EI* (2), i. 958–9; *GAS*, i. 608–10; *Mad.* B iv. 585–602 / M vii. 44–70. (80)
- Abū Bakr al-Khallāl (d. 311/923): Ḥanbalī ḥadīth scholar and faqīh. See *EI* (2), iv. 989–90. (161)
- Abū Bakr al-Rāzī, Aḥmad ibn ʿAlī, al-Jaṣṣāṣ (d. 370/981): Ḥanafī scholar; author of the well-known *Aḥkām al-Qurʾān*. See *EI* (2), ii. 486; *GAS*, i. 444. (123, 179)
- Abū Bakr al-Ṣayrafī, Muḥammad [ibn Badr] ibn ʿAbdallāh al-Shāfiʿī (d. 330/942): Shāfiʿī scholar; author of, among other works, a commentary on al-Shāfiʿī’s *Risāla*. See *EI* (2), ix. 114; al-Subkī, *Ṭabaqāt*, iii. 186–7; Ibn Qāḍī Shuhba, *Ṭabaqāt*, i. 116–17. (77–8, 81)
- Abū Bakr al-Ṭuraynī al-Ṣūfī = Abū Bakr ibn ʿUmar ibn ʿAlī al-Qurashī al-Yamanī (d. 815/1412): scholar of Yemenī origin who settled in Makka. See *Dawʿ*, xi. 64. (148)
- Abū l-Baqāʾ Ṣāliḥ al-Zawāwī = Ṣāliḥ ibn Muḥammad al-Zawāwī (d. 839/1435): Mālikī scholar from Maddūkāl (“M’Doukal”, near Barika, in present-day Algeria) who settled in Egypt and also taught in the Muʾayyadiyya, like al-Rāʿī; one of al-Rāʿī’s shaykhs. See *Dawʿ*, iii. 315–17. (9, 113)
- Abū l-Barakāt al-Gharrāqī al-Shāfiʿī = Muḥammad ibn Muḥammad ibn Muḥammad, Shams al-Dīn (d. 858/1454): Egyptian Shāfiʿī scholar. See *Dawʿ*, ix. 253–5. (138)
- Abū l-Dardāʾ (d. 32/652): Companion. See *EI* (2), i. 113–14. (70)
- Abū Dāwūd (d. 275/888): compiler of a *Sunan*, one of the Six Books of ḥadīth. See *EI* (2), i. 114; *GAS*, i. 149–52. (83)
- Abū l-Faḍl, see ʿIyāḍ ibn Mūsā
- Abū l-Faraj al-Qāḍī, ʿUmar ibn Muḥammad (d. 331/942–3): Iraqi Mālikī scholar; student of Qaḍī Ismāʿīl (q.v.); qāḍī of Tarsus and Antakya, among other places. See *Mad.* M v. 22–3; *Dibāj*, pp. 215–16; *Makhlūf*, i. 79. (79)

# BIOGRAPHICAL NOTES

- Abū Ḥamid al-Ghazālī (d. 505/1111): famous Shāfiʿī scholar; author of, among many other works, *Iḥyāʾ ʿulūm al-dīn*. See *EI* (2), ii. 1038–41. (77, 81, 103–4)
- Abū Ḥanīfa, al-Nuʿmān ibn Thābit (d. 150/767): Kufan faqīh; eponymous “founder” of the Ḥanafī madhhab. See *EI* (2), i. 123–4; *GAS*, i. 409–19. (2, 13, 16, 18–19, 23–4, 26, 28, 30, 34–6, 40, 42, 44, 46–7, 50–2, 55, 66–7, 71, 74, 84–5, 89, 96, 104, 107, 116, 121–3, 126, 129, 133, 135–7, 141, 143–5, 148, 160, 165, 167, 172–4)
- Abū l-Ḥasan al-ʿAlawī (or Ibn Ḥasan al-ʿAlawī): unidentified Madinan scholar or notable at the time of Mālik. (42, 164)
- Abū l-Ḥasan ʿAlī ibn ʿAbdallāh ibn al-Ḥasan al-Judhāmī (d. ?): Maghribī shaykh from whom al-Rāʿī received an *ijāza*; otherwise unidentified. (8)
- Abū l-Ḥasan ʿAlī ibn Kharūf al-Andalusī = ʿAlī ibn Muḥammad ibn ʿAlī ibn Muḥammad Nizām al-Dīn Abū l-Ḥasan ibn Kharūf (d. between 605/1208–9 and 610): Andalusian grammarian; author of commentary on Sibawayhi’s *Kitāb*. See al-Suyūṭī, *Bughyat al-wuʿāt*, ii. 203. (150)
- Abū l-Ḥasan ʿAlī ibn Muḥammad ibn Samʿat (?) al-Andalusī al-Gharnāṭī (fl. end of eighth/fourteenth century): one of al-Rāʿī’s shaykhs in Granada. See *Nayl*, p. 207. (7, 38, 95, 163)
- Abū l-Ḥasan al-Dāraqutnī (d. 385/995): famous ḥadīth scholar and compiler of a *Kitāb al-Sunan*. See *EI* (2), ii. 136; *GAS*, i. 206–9. (47)
- Abū l-Ḥasan ibn Muḥammad, see Abū l-Ḥasan ʿAlī ibn Muḥammad ibn Samʿat
- Abū l-Ḥasan ibn al-Muntāb = ʿAbdallāh / ʿUbaydallāh ibn al-Muntāb (d. ?): companion of Qaḍī Ismāʿīl (q.v.) in Iraq who became qāḍī of Madina. See *Mad.* M v. 1–2; *Dibāj*, pp. 145–46 (“ʿUbaydallāh Abū l-Ḥasan ibn al-Shābb”); *Makhlūf*, i. 77 (“ʿUbaydallāh Abū l-Ḥasan ibn al-Muntāb”). (79)
- Abū l-Ḥasan ibn al-Qaṣṣār, ʿAlī [ibn ʿUmar] ibn Aḥmad (d. 398/1008): Baghdādī Mālikī scholar and qāḍī; student of al-Abharī (q.v.). See *GAS*, i. 481–2; *Mad.* B iv. 602 / M vii. 70–1; *Makhlūf*, i. 92. (79)
- Abū Ḥayyān, Muḥammad ibn Yūsuf, Athīr al-Dīn (d. 745/1344): Andalusian grammarian and Qurʾānic scholar who settled in Egypt. See *EI* (2), i. 126. (116, 137–8)
- Abū Ḥudhāfa = Aḥmad ibn Ismāʿīl ibn Muḥammad ibn Nabīh, Abū Ḥudhāfa al-Sahmī (d. 259/873): Madinan transmitter of the *Muwattaʾ* who settled in Baghdad. See *Tahdhīb*, i. 15–16. (47)
- Abū Hurayra (d. c. 58/678): Companion; transmitter of ḥadīth. See *EI* (2), i. 129. (28–9, 31, 68, 92, 120, 127, 180)
- Abū l-Ḥusayn ibn Abī l-Rabīʿ al-Andalusī al-Qurashī = ʿAbdallāh ibn Aḥmad ibn ʿUbaydallāh (d. 688/1289): grammarian; author of a commentary on Sibawayhi’s *Kitāb*. See al-Suyūṭī, *Bughyat al-wuʿāt*, ii. 125–6. (154)
- Abū l-Ḥusayn [ʿUmar] ibn Abī ʿUmar (d. 328/940): Baghdādī Mālikī scholar and qāḍī. See *Mad.* B iii. 278–81 / M v. 256–61. (80, 171–2)
- Abū ʿImrān al-Fāṣī (d. 430/1038): Maghribī scholar who travelled to Kairouan, Cordoba and Iraq. See *GAL*, S i. 660–1; *Dibāj*, pp. 344–5; *Shadharāt*, iii. 247. (168)
- Abū Ishāq Ibrāhīm [ibn Muḥammad ibn Ibrāhīm] ibn al-ʿAfīf al-Nābulṣī (d. ?): shaykh from whom al-Rāʿī received an *ijāza*; otherwise unidentified. (8)
- Abū Ishāq al-Isfarāyīnī, Ibrāhīm ibn Muḥammad (d. 418/1027): Shāfiʿī scholar and uṣūlī. See *GAL*, S i. 667. (80–1)
- Abū Jaʿfar, see Abū Jaʿfar al-Manṣūr



- Abū l-Aḥwaṣ = Sallām ibn Sulaym al-Kūfī (d. 179/795): Kufan ḥadīth scholar. See al-Dhahabī, *Mizān al-iʿtidāl*, iii. 253–4; *Shadharāt*, i. 292. (56, 167)
- Abū ʿAmr ibn al-ʿAlāʾ (d. 159/770): Basran qārī; one of the Seven Readers. See *EI* (2), i. 105–6; *Ghāya*, i. 288–92. (124, 179, 183)
- Abū l-Aswad [Muḥammad ibn ʿAbd al-Rahmān] ibn Nawfal [al-Nawfalī] (d. c. 137/754): known as “Urwa’s orphan”, i.e. the orphan of ʿUrwa ibn al-Zubayr (q.v.); transmitter, esp. of historical ḥadīth. See *Tahdhīb*, ix. 307–8. (40, 54)
- Abū Bakr (d. 13/634): first of the four Rightly Guided Caliphs. See *EI* (2), i. 109–11. (39, 42, 70, 86, 101, 108, 119–20, 134, 136, 144, 175)
- Abū Bakr ʿAbdallāh ibn Yahyā ibn Zakariyyā al-Anṣārī (d. ?): author of *Khulāṣat al-bāḥithīn fī ḥaṣr al-wārithīn*, and teacher of al-Mintūrī (q.v.); otherwise unidentified. (7)
- Abū Bakr al-Abharī, Muḥammad ibn ʿAbdallāh (d. c. 375/986): Shaykh of the Mālikīs in Iraq in his time. See *GAS*, i. 477; *Mad.* B iv. 466–73 / M vi. 183–92. (78–9)
- Abū Bakr Aḥmad ibn ʿAlī = al-Khaṭīb al-Baghdādī (d. 463/1071): author of, among many other works, *Asmāʾ al-ruwāt li-l-Imām Mālik ibn Anas*, on those who related from Mālik. See *GAL*, i. 329, S i. 562–4; *GAS*, i. 463. (46, 62)
- Abū Bakr al-Athram (d. 273/886): follower of Aḥmad ibn Ḥanbal from Iskāf. See *GAS*, i. 509–10. (161)
- Abū Bakr ibn ʿAmr ibn Ḥazm = Abū Bakr ibn Muḥammad ibn ʿAmr ibn Ḥazm (d. c. 120/727): famous scholar and qāḍī in Madina. See *Tahdhīb*, xii. 38–40. (70)
- Abū Bakr ibn al-Ṭayyib = Qaḍī Abū Bakr Muḥammad ibn al-Ṭayyib al-Bāqillānī (d. 403/1013): prolific author; head of the Mālikīs in Iraq in his time. See *EI* (2), i. 958–9; *GAS*, i. 608–10; *Mad.* B iv. 585–602 / M vii. 44–70. (80)
- Abū Bakr al-Khallāl (d. 311/923): Ḥanbalī ḥadīth scholar and faqīh. See *EI* (2), iv. 989–90. (161)
- Abū Bakr al-Rāzī, Aḥmad ibn ʿAlī, al-Jaṣṣāṣ (d. 370/981): Ḥanafī scholar; author of the well-known *Aḥkām al-Qurʾān*. See *EI* (2), ii. 486; *GAS*, i. 444. (123, 179)
- Abū Bakr al-Ṣayrafī, Muḥammad [ibn Badr] ibn ʿAbdallāh al-Shāfiʿī (d. 330/942): Shāfiʿī scholar; author of, among other works, a commentary on al-Shāfiʿī’s *Risāla*. See *EI* (2), ix. 114; al-Subkī, *Ṭabaqāt*, iii. 186–7; Ibn Qāḍī Shuhba, *Ṭabaqāt*, i. 116–17. (77–8, 81)
- Abū Bakr al-Ṭuraynī al-Ṣūfī = Abū Bakr ibn ʿUmar ibn ʿAlī al-Qurashī al-Yamanī (d. 815/1412): scholar of Yemeni origin who settled in Makka. See *Dawʿ*, xi. 64. (148)
- Abū l-Baqāʾ Ṣāliḥ al-Zawāwī = Ṣāliḥ ibn Muḥammad al-Zawāwī (d. 839/1435): Mālikī scholar from Maddūkāl (“M’Doukal”, near Barika, in present-day Algeria) who settled in Egypt and also taught in the Muʾayyadiyya, like al-Rāʿī; one of al-Rāʿī’s shaykhs. See *Dawʿ*, iii. 315–17. (9, 113)
- Abū l-Barakāt al-Gharrāqī al-Shāfiʿī = Muḥammad ibn Muḥammad ibn Muḥammad, Shams al-Dīn (d. 858/1454): Egyptian Shāfiʿī scholar. See *Dawʿ*, ix. 253–5. (138)
- Abū l-Dardāʾ (d. 32/652): Companion. See *EI* (2), i. 113–14. (70)
- Abū Dāwūd (d. 275/888): compiler of a *Sunan*, one of the Six Books of ḥadīth. See *EI* (2), i. 114; *GAS*, i. 149–52. (83)
- Abū l-Faḍl, see ʿIyāḍ ibn Mūsā
- Abū l-Faraj al-Qāḍī, ʿUmar ibn Muḥammad (d. 331/942–3): Iraqi Mālikī scholar; student of Qaḍī Ismāʿīl (q.v.); qāḍī of Tarsus and Antakya, among other places. See *Mad.* M v. 22–3; *Dībāj*, pp. 215–16; *Makhlūf*, i. 79. (79)

- Abū Ḥamid al-Ghazālī (d. 505/1111): famous Shāfiʿī scholar; author of, among many other works, *Iḥyāʾ ʿulūm al-dīn*. See *EI* (2), ii. 1038–41. (77, 81, 103–4)
- Abū Ḥanīfa, al-Nuʿmān ibn Thābit (d. 150/767): Kufan faqīh; eponymous “founder” of the Ḥanafī madhhab. See *EI* (2), i. 123–4; *GAS*, i. 409–19. (2, 13, 16, 18–19, 23–4, 26, 28, 30, 34–6, 40, 42, 44, 46–7, 50–2, 55, 66–7, 71, 74, 84–5, 89, 96, 104, 107, 116, 121–3, 126, 129, 133, 135–7, 141, 143–5, 148, 160, 165, 167, 172–4)
- Abū l-Ḥasan al-ʿAlawī (or Ibn Ḥasan al-ʿAlawī): unidentified Madinan scholar or notable at the time of Mālik. (42, 164)
- Abū l-Ḥasan ʿAlī ibn ʿAbdallāh ibn al-Ḥasan al-Judhāmī (d. ?): Maghribī shaykh from whom al-Rāʿī received an *ijāza*; otherwise unidentified. (8)
- Abū l-Ḥasan ʿAlī ibn Kharūf al-Andalusī = ʿAlī ibn Muḥammad ibn ʿAlī ibn Muḥammad Nizām al-Dīn Abū l-Ḥasan ibn Kharūf (d. between 605/1208–9 and 610): Andalusian grammarian; author of commentary on Sibawayhi’s *Kitāb*. See al-Suyūṭī, *Bughyat al-wuʿāt*, ii. 203. (150)
- Abū l-Ḥasan ʿAlī ibn Muḥammad ibn Samʿat (?) al-Andalusī al-Gharnāṭī (fl. end of eighth/fourteenth century): one of al-Rāʿī’s shaykhs in Granada. See *Nayl*, p. 207. (7, 38, 95, 163)
- Abū l-Ḥasan al-Dāraquṭnī (d. 385/995): famous ḥadīth scholar and compiler of a *Kitāb al-Sunan*. See *EI* (2), ii. 136; *GAS*, i. 206–9. (47)
- Abū l-Ḥasan ibn Muḥammad, see Abū l-Ḥasan ʿAlī ibn Muḥammad ibn Samʿat
- Abū l-Ḥasan ibn al-Muntāb = ʿAbdallāh / ʿUbaydallāh ibn al-Muntāb (d. ?): companion of Qaḍī Ismāʿīl (q.v.) in Iraq who became qāḍī of Madina. See *Mad.* M v. 1–2; *Dībāj*, pp. 145–46 (“ʿUbaydallāh Abū l-Ḥasan ibn al-Shābb”); *Makhlūf*, i. 77 (“ʿUbaydallāh Abū l-Ḥasan ibn al-Muntāb”). (79)
- Abū l-Ḥasan ibn al-Qaṣṣār, ʿAlī [ibn ʿUmar] ibn Aḥmad (d. 398/1008): Baghdādī Mālikī scholar and qāḍī; student of al-Abharī (q.v.). See *GAS*, i. 481–2; *Mad.* B iv. 602 / M vii. 70–1; *Makhlūf*, i. 92. (79)
- Abū Ḥayyān, Muḥammad ibn Yūsuf, Athīr al-Dīn (d. 745/1344): Andalusian grammarian and Qurʾānic scholar who settled in Egypt. See *EI* (2), i. 126. (116, 137–8)
- Abū Ḥudhāfa = Aḥmad ibn Ismāʿīl ibn Muḥammad ibn Nabīh, Abū Ḥudhāfa al-Sahmī (d. 259/873): Madinan transmitter of the *Muwattaʾ* who settled in Baghdad. See *Tahdhīb*, i. 15–16. (47)
- Abū Hurayra (d. c. 58/678): Companion; transmitter of ḥadīth. See *EI* (2), i. 129. (28–9, 31, 68, 92, 120, 127, 180)
- Abū l-Husayn ibn Abī l-Rabīʿ al-Andalusī al-Qurashī = ʿAbdallāh ibn Aḥmad ibn ʿUbaydallāh (d. 688/1289): grammarian; author of a commentary on Sibawayhi’s *Kitāb*. See al-Suyūṭī, *Bughyat al-wuʿāt*, ii. 125–6. (154)
- Abū l-Husayn [ʿUmar] ibn Abī ʿUmar (d. 328/940): Baghdādī Mālikī scholar and qāḍī. See *Mad.* B iii. 278–81 / M v. 256–61. (80, 171–2)
- Abū ʿImrān al-Fāsī (d. 430/1038): Maghribī scholar who travelled to Kairouan, Cordoba and Iraq. See *GAL*, S i. 660–1; *Dībāj*, pp. 344–5; *Shadharāt*, iii. 247. (168)
- Abū Ishāq Ibrāhīm [ibn Muḥammad ibn Ibrāhīm] ibn al-ʿAfīf al-Nābulī (d. ?): shaykh from whom al-Rāʿī received an *ijāza*; otherwise unidentified. (8)
- Abū Ishāq al-Isfarāyīnī, Ibrāhīm ibn Muḥammad (d. 418/1027): Shāfiʿī scholar and uṣūlī. See *GAL*, S i. 667. (80–1)
- Abū Jaʿfar, see Abū Jaʿfar al-Manṣūr



# BIOGRAPHICAL NOTES

- Abū Ja'far [Yazīd ibn al-Qā'qā'] (d. c. 130/749): Madinan *qārī*; one of the Ten Readers. See *Ghāya*, ii. 382–4. (183)
- Abū Ja'far Aḥmad ibn Idrīs ibn Sa'īd al-Andalusī (d. ?): one of al-Rā'ī's shaykhs in al-Andalus; otherwise unidentified. (7)
- Abū Ja'far Aḥmad ibn Muḥammad ibn Sālīm al-Judhāmī (d. ?): teacher of al-Mintūrī (q.v.); otherwise unidentified. (7)
- Abū Ja'far al-Manṣūr, 'Abdallāh ibn Muḥammad (d. 158/775): 'Abbāsid caliph, 136–58/754–75. See *EI* (2), vi. 427–8. (61, 63–4, 73–4)
- Abū Khaythama, Zuhayr ibn Ḥarb (d. 234/849): *ḥadīth* transmitter from Nāsā who settled in Baghdad. See *Tahdhīb*, 343–4. (171)
- Abū l-Ma'ālī al-Juwaynī, 'Abd al-Malik ibn 'Abdallāh ibn Yūsuf, "Imām al-Ḥaramayn" (d. 478/1085): famous Shāfi'ī scholar. See *EI* (2), ii. 605–6. (44, 66, 87–8, 95)
- Abū Maḥdhūra (d. c. 59/679): Makkan Companion and well-known *mu'adhdhin*. See *Tahdhīb*, xii. 222–3. (116–17, 178)
- Abū Muḥammad al-Ḍarrāb = Abū Muḥammad al-Ḥasan ibn Ismā'īl al-Ḍarrāb (d. 392/1002): author of *al-Ruwāt 'an Mālik*, on those relating from Mālik. See *GAS*, i. 213; *Shadharāt*, iii. 140. (40, 46)
- Abū Mūsā al-Ash'arī (d. c. 42/662): Companion. See *EI* (2), i. 695–6. (28–9)
- "Abū Muṣ'ab" = presumably, Abū Muṣ'ab al-Zuhri (q.v.) (49, 80, 165)
- Abū Muṣ'ab al-Zuhri, Aḥmad ibn Abī Bakr (d. 241/856 or 242): student of Mālik and transmitter of the *Muwatta'*; became *qāḍī* of Madina. See *Mad.* B ii. 511–13 / M iii. 347–9. (165, 171)
- "Abū Nu'aym" = presumably, al-Faḍl ibn Dukayn (d. 219/834): Kufan *ḥadīth* scholar. See *EI* (2), i. 143; *GAS*, i. 101; *Tahdhīb*, viii. 270–6. (70, 72, 170)
- Abū Nu'aym [Aḥmad ibn 'Abdallāh ibn Aḥmad] al-Iṣbahānī (d. 430/1038): author of the well-known biographical work *Hilya al-awliyā'*. See *EI* (2), i. 142–3. (20, 37, 49, 57, 165)
- Abū l-Qāsim 'Abd al-Raḥmān ibn 'Abdallāh ibn Muḥammad al-Jawharī al-Ghāfiqī (d. 385/995 or 381): Egyptian Mālikī scholar of *ḥadīth* and *fiqh*; author of *Musnad al-Muwatta'* and *Musnad mā laysa fī l-Muwatta'*. See *Mad.* B iv. 482–3 / M vi. 204; *Dibāj*, p. 148; Makhlūf, i. 93–4. (20, 53)
- Abū l-Qāsim al-'Abdūsī, 'Abd al-'Azīz ibn Mūsā (d. 837/1434): Mālikī *faqīh* from Fez who spent time in Cairo before settling in Tunis. See *Nayl*, pp. 179–81; Makhlūf, i. 252. (97, 174)
- Abū l-Qāsim al-Jawharī, see Abū l-Qāsim 'Abd al-Raḥmān ibn 'Abdallāh
- Abū l-Qāsim Muḥammad ibn Sirāj (d. 848/1444): *muftī* and Chief Qadi of Granada in al-Rā'ī's time. See *Nayl*, p. 308. (7, 27)
- Abū l-Qāsim al-Rāfi'ī al-Shāfi'ī = 'Abd al-Karīm ibn Muḥammad ibn 'Abd al-Karīm, Abū l-Qāsim al-Rāfi'ī al-Qazwīnī (d. 623/1226): Shāfi'ī scholar and author of books on *tafsīr*, *ḥadīth*, *fiqh* and history. See Ibn Qāḍī Shuhba, *Ṭabaqāt*, ii. 75–7. (28)
- Abū Qatāda (d. 54/674): Companion. See *Tahdhīb*, xii. 204–5. (176)
- Abū Sa'īd al-Khudrī, Sa'īd ibn Mālik ibn Sinān (d. c. 74/693): Companion. See *Tahdhīb*, iii. 479–81. (173, 175)
- Abū Sa'īd al-Maqburī, Kaysān ibn Sa'īd al-Madanī (d. 100/718–19): Madinan Successor; transmitter of *ḥadīth*. See *Tahdhīb*, viii. 453–4. (68)
- Abū Ṣāliḥ [Dhakhwān] al-Sammān al-Zayyāt al-Madanī (d. 101/719–20): Madinan Successor; transmitter of *ḥadīth*. See *Tahdhīb*, iii. 219–20. (31)

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- Abū l-Tammām (or "Abū Tammām"), 'Alī ibn Muḥammad ibn Aḥmad al-Baṣrī (d. ?): Iraqi Mālikī scholar; student of al-Abharī (q.v.). See *Mad.* B iv. 605 / M vii. 76; *Dibāj*, p. 199. (79)
- Abū Turāb (d. ?): unidentified transmitter, from Muḥammad ibn 'Abd al-Ḥakam (q.v.), in Ibn Ḥajar's *Tawālī*. (141)
- Abū 'Umar ibn 'Abd al-Barr, Yūsuf ibn 'Abdallāh (d. 463/1071): Andalusian *faqīh* and *ḥadīth* scholar who became *qāḍī* of Lisbon and Santarém; author of many books, including two commentaries on the *Muwatta'*, the *Tamhīd* and the *Istidhkār*. See *EI* (2), iii. 674; *Mad.* B iv. 808–10 / M viii. 127–30. (18, 31, 162, 164, 174)
- Abū l-Walīd ibn Rushd = Ibn Rushd al-Jadd ("the Grandfather") (d. 520/1126): Andalusian Mālikī *faqīh* and *qāḍī*; grandfather of the famous philosopher Ibn Rushd al-Ḥafīd ("the Grandson"). See *GAL*, i. 384, S i. 662; *Dibāj*, pp. 278–9; Makhlūf, i. 129. (20, 84–5, 89, 94, 173–4)
- Abū Ya'qūb al-Rāzī, Ishāq ibn Aḥmad ibn 'Abdallāh (d. ?): one of the older companions of Qadi Ismā'īl (q.v.). See *Mad.* M v. 17–18. (79)
- Abū Yūsuf, Ya'qūb ibn Ibrāhīm (d. 182/798): Kufan *faqīh* and, later, *qāḍī* of Baghdad; co-founder of the Ḥanafī *madhhab* alongside al-Shaybānī (q.v.). See *EI* (2), i. 164–5. (14, 30, 40, 44, 46, 51, 71, 74, 78, 94, 163)
- Abū l-Zubayr [Muḥammad ibn Muslim] al-Makkī (d. 126/743–4): Makkan Successor; transmitter of *ḥadīth*. See *Tahdhīb*, ix. 440–3. (31)
- "Abū Zur'a" = presumably, either Abū Zur'a al-Rāzī (q.v.) or Abū Zur'a al-Dimashqī (q.v.). (76)
- Abū Zur'a Aḥmad ibn al-Ḥusayn ibn 'Alī al-Rāzī (d. ?): unidentified sub-narrator in Abū Nu'aym's *Hilya*. (47)
- Abū Zur'a al-Dimashqī, 'Abd al-Raḥmān ibn 'Amr ibn 'Abdallāh (d. 281/894): "the shaykh of Damascus in his time". See *GAS*, i. 302; *Tahdhīb*, vi. 236–7. (76)
- Abū Zur'a al-Rāzī = 'Ubaydallah ibn 'Abd al-Karīm ibn Yazīd ibn Farrūkh al-Qurashī al-Makhzūmī (d. 264/879): major *ḥadīth* scholar from Rayy. See *GAS*, i. 145; *Tahdhīb*, vii. 30–4. (16, 50)
- 'Adī ibn Ḥatīm (d. 68/687–8): Companion. See *EI* (2), i. 195. (107)
- Aḥmad, see Aḥmad ibn Ḥanbal
- Aḥmad Bābā (d. 1032/1624 or 1036): Mālikī scholar from Timbuktu. See *EI* (2), i. 279–80; *GAL*, ii. 466–7, S ii. 715–16. (10, 174)
- Aḥmad ibn Abī Surayj al-Ṣabbāḥ al-Nahshalī, Abū Ja'far al-Rāzī (d. 230/844, or after 240): companion of al-Shāfi'ī. See al-Subkī, *Ṭabaqāt*, ii. 25; *Tahdhīb*, i. 44; *Ghāya*, i. 63. (96, 174)
- Aḥmad ibn Ḥanbal = Aḥmad [ibn Muḥammad] ibn Ḥanbal (d. 241/855): *ḥadīth* scholar and compiler of a famous *Musnad*; eponymous "founder" of the Ḥanbalī *madhhab*. See *EI* (2), i. 272–7; *GAS*, i. 86–7. (2, 18–19, 24, 26, 34, 37–9, 48, 50, 55, 62, 67, 94–5, 107, 126, 131, 133, 141–2, 146, 161–2, 168)
- Aḥmad ibn Idrīs al-Qarāfi, Shihāb al-Dīn (d. 684/1285): Egyptian Mālikī scholar; author of many works, including *al-Dhakhira* on *fiqh*. See *GAL*, i. 385, S i. 665; *Dibāj*, pp. 62–7; Makhlūf, i. 188. (20, 44, 50, 68, 132)
- Aḥmad [ibn 'Umar] ibn Surayj (d. 306/918): famous Shāfi'ī scholar. See *EI* (2), iii. 949–50. (174)
- 'Ā'isha [bint Abī Bakr al-Ṣiddīq] (d. 58/678): Companion; wife of the Prophet; daughter of the caliph Abū Bakr (q.v.). See *EI* (2), i. 307–8. (85, 87, 104–5, 111, 119, 176)



- ‘Ā’isha bint Sa’d [ibn Abī Waqqās] (d. 117/725): Companion or Successor; daughter of Sa’d ibn Abī Waqqās (q.v.). See *Tahdhīb*, xii. 436; Ibn Hajar, *Isāba*, viii. 235; Ossendorf-Conrad, *Das “Kitāb al-Wāḍiḥa”*, p. 375. (54, 94, 166, 174)
- ‘Ā’isha bint Ṭalḥa (d. ?): grand-daughter of Abū Bakr (q.v.) and niece of ‘Ā’isha (q.v.). See *Tahdhīb*, xii. 436–7. (166)
- al-Akhfash = presumably, al-Akhfash “al-Awsaṭ”, Abū l-Ḥasan Sa’id ibn Mas’ada (d. between 210/825 and 221/835): grammarian. See *EI* (2), i. 321 (where other grammarians by the name of al-Akfash are mentioned); *GAS*, ix. 68–9. (150)
- ‘Alī [ibn Abī Ṭālib] (d. 40/660): Companion; fourth of the four Rightly Guided Caliphs, 35–40/656–61. See *EI* (2), i. 381–6. (16, 119, 136, 144, 175, 178)
- ‘Alī ibn al-Madīnī (d. 234/849): Iraqi *ḥadīth* scholar. See *Tahdhīb*, vii. 349–57. (30)
- ‘Alī ibn Muḥammad ibn Mahdawiyya (d. ?): unidentified sub-narrator in al-Khaṭīb al-Baghdādī’s *Asmā’ al-ruwāt*. (47)
- ‘Ammār ibn Sa’d al-Qaraz (d. ?): Successor. See *Tahdhīb*, vii. 401. (116)
- ‘Amr ibn Abī Salama [al-Tinnīsī] (d. c. 213/828): Syrian transmitter of *ḥadīth*. See *Tahdhīb*, viii. 43–4. (76, 171)
- ‘Amr ibn al-‘Āṣ (d. c. 42/663): Companion; commander of the Muslims conquering Egypt. See *EI* (2), i. 451. (9, 105, 138, 176)
- ‘Amr ibn Shu‘ayb (d. ?): transmitter of *ḥadīth*. See *Tahdhīb*, viii. 48–55. (84, 131)
- ‘Amr ibn Yazīd (d. ?): Egyptian companion of Mālik and presumed father of Yūsuf ibn ‘Amr ibn Yazīd (q.v.); otherwise unidentified. (58, 168)
- Anas ibn Mālik (d. c. 91–3/709–11): Companion; transmitter of *ḥadīth*. See *EI* (2), i. 482. (119)
- Asad ibn al-Furāt (d. 213/828): scholar from Ifrīqiyya who travelled East to study under Mālik and also travelled to Iraq, where he was influenced by the Hanafīs; appointed *qādī* of Kairouan in 204 AH; army leader in the conquest of Sicily, where he died in the siege of Syracuse. See *EI* (2), i. 685; *GAS*, i. 467; *Mad.* B ii. 465–80 / M iii. 291–309; *Dībāj*, p. 98; Makhlūf, i. 62. (44, 74–5, 171)
- Ashhab ibn ‘Abd al-‘Azīz (d. 204/820): Mālikī *faqīh*; head of the Mālikīs in Egypt after Ibn al-Qāsim (q.v.). See *GAS*, i. 466–7; *Mad.* B ii. 447–53 / M iii. 262–71. (74, 137–8)
- ‘Atā’ [ibn Abī Rabāḥ] (d. 114/732 or 115): Makkan *faqīh*. See *EI* (2), i. 730. (116, 178)
- ‘Atīq ibn Ya‘qūb al-Zubayrī (d. 228/842 or 229): long-term companion of Mālik. See *Mad.* B i. 381–2 / M iii. 173. (39, 74, 181)
- al-Awzā‘ī, ‘Abd al-Raḥmān ibn ‘Amr (d. 157/774): Syrian *faqīh* and “founder” of one of the early *madhabs*. See *EI* (2), i. 772–3. (2, 16, 18, 26, 30–1, 38, 41–2, 46, 48, 53, 57, 73–4, 107, 146, 159, 171, 177)
- al-Bāji (d. 474/1081): Andalusian scholar; author of a well known commentary on the *Muwatta’*. See *EI* (2), i. 864–5. (173)
- Baqiyya ibn al-Walīd al-Kalā‘ī al-Ḥimṣī (d. 197/812): Syrian *ḥadīth* scholar. See *Tahdhīb*, i. 473–8. (41)
- Barīra (d. c. 60–4/680–3): Companion; freed slave-girl of ‘Ā’isha (q.v.). See *EI* (2), i. 1048. (85)
- al-Bayhaqī (d. 458/1066): prolific author, and compiler of *al-Sunan al-kubrā*. See *EI* (2), i. 1130. (59, 71)
- Bilāl (d. between 17/638 and 21): Companion, famous as *mu’adhdhin*. See *EI* (2), i. 1215. (117)

- Bishr [ibn al-Ḥārith] al-Ḥāfi (d. 227/841–2): Iraqi Sufi and transmitter of *ḥadīth*. See *EI* (2), i. 1244–6; *Tahdhīb*, i. 444–5. (43)
- al-Bulqīnī, see Sirāj al-Dīn al-Bulqīnī
- al-Bukhārī, see Muḥammad ibn Ismā‘īl al-Bukhārī
- al-Burhān al-Biqā‘ī = Burhān al-Dīn Abū l-Ḥasan Ibrāhīm ibn ‘Umar ibn Ḥasan al-Rubāt ibn ‘Alī ibn Abī Bakr al-Biqā‘ī al-Shāfi‘ī (d. 885/1480): noted Shāfi‘ī scholar from Khirbat Rūḥā in Syria; student of al-Rā‘ī. See *GAL*, ii. 142, S ii. 177. (10)
- al-Buwayṭī, Yūsuf ibn Yaḥyā (d. 231/846): companion of al-Shāfi‘ī. See *Tahdhīb*, xi. 427–9; al-Subkī, *Ṭabaqāt*, ii. 162–70. (96, 136)
- al-Ḍaḥḥāk ibn ‘Uthmān [ibn al-Ḍaḥḥāk] (d. 180/797): one of the older companions of Mālik; specialist in the history of Quraysh; appointed governor in the Yemen towards the end of his life. See *Mad.* B i. 293–5 / M iii. 23–6; *Tahdhīb*, iv. 447–8. (40)
- al-Damīrī, see Kamāl al-Dīn al-Damīrī
- al-Dāraqutnī, see Abū l-Ḥasan al-Dāraqutnī
- al-Darāwardī, ‘Abd al-‘Azīz ibn Muḥammad (d. c. 186/802): Madinan *faqīh* and companion of Mālik. See *Mad.* B i. 288–90 / M iii. 13–15; *Tahdhīb*, vi. 353–5. (42, 46, 63)
- Dāwūd [ibn ‘Alī ibn Khalaf] al-Zāhirī (d. 270/884): Iraqi scholar, initially a staunch supporter of al-Shāfi‘ī, then “founder” of the Zāhirī *madhhab*. See *EI* (2), ii. 182–3. (2, 18, 26, 42, 48, 67, 107, 122, 126, 141, 156, 177)
- al-Dhahabī (d. 748/1348 or 753): well known historian and biographer. See *EI* (2), ii. 214–16. (161)
- Dhu‘ayb [ibn ‘Amāma (?)] al-Sahmī (d. 220/835 or 225): Madinan *ḥadīth* scholar. See al-Dhahabī, *Mizān al-‘itidāl*, ii. 52–3; Ibn Hajar, *Lisān al-mizān*, ii. 506–7. (30)
- al-Fakhr ibn al-Khaṭīb = Fakhr al-Dīn Muḥammad ibn ‘Umar ibn al-Ḥusayn al-Rāzī, Ibn Khaṭīb al-Rayy (d. 606/1209): polymath and author of numerous works. See *EI* (2), ii. 751–5. (71, 93, 95)
- al-Fārisī, al-Ḥasan ibn Aḥmad ibn ‘Abd al-Ghaffār, Abū ‘Alī (d. 377/987): grammarian. See *EI* (2), ii. 802–3; *GAS*, ix. 101–10. (116)
- Fityān ibn Abī l-Samḥ al-Mālikī (d. 232/846): Egyptian Mālikī scholar. See *Mad.* B ii. 457–9 / M iii. 278–80. (137–9, 141)
- Furay‘a [bint Mālik ibn Sinān] (d. ?): Companion; sister of the well-known Companion Abū Sa’id al-Khudrī (q.v.). See *Tahdhīb*, xii. 445. (47)
- al-Ghazālī, see Abū Ḥamid al-Ghazālī
- al-Ḥaffār = Abū ‘Abdallāh Muḥammad ibn ‘Alī ibn Muḥammad ibn Aḥmad ibn Sa’d al-Anṣārī (d. 811/1408–9): *imām* and *muftī* of Granada. See *Nayl*, p. 282; Makhlūf, i. 247. (7)
- Hafiz Mughaltāy, see Mughaltāy
- al-Ḥakam [ibn ‘Uṭayba] (d. c. 114/732): major Kufan *faqīh*. See *Tahdhīb*, ii. 432–4. (38, 42)
- al-Ḥākim [al-Naysābūrī], Muḥammad ibn ‘Abdallāh ibn Ḥamdawayhi (d. 405/1014): noted *ḥadīth* scholar and prolific author. See *GAL*, i. 166, S i. 276; Ibn Qāḍī Shuhba, *Ṭabaqāt*, i. 193–5. (59, 140)
- “Ḥammād” (with “al-Ḥakam”) = presumably, Ḥammād ibn Abī Sulaymān (q.v.). (38, 42)
- Ḥammād ibn Abī Ḥanīfa (d. ?): the son of the famous *faqīh* (q.v.). See Ibn Hajar, *Lisān al-mizān*, ii. 393. (40)



- ‘Ā’isha bint Sa’d [ibn Abī Waqqāṣ] (d. 117/725): Companion or Successor; daughter of Sa’d ibn Abī Waqqāṣ (q.v.). See *Tahdhīb*, xii. 436; Ibn Hajar, *Isāba*, viii. 235; Ossendorf-Conrad, *Das “Kitāb al-Wāḍiḥa”*, p. 375. (54, 94, 166, 174)
- ‘Ā’isha bint Ṭalḥa (d. ?): grand-daughter of Abū Bakr (q.v.) and niece of ‘Ā’isha (q.v.). See *Tahdhīb*, xii. 436–7. (166)
- al-Akhfash = presumably, al-Akhfash “al-Awsaṭ”, Abū l-Ḥasan Sa’id ibn Mas’ada (d. between 210/825 and 221/835): grammarian. See *EI* (2), i. 321 (where other grammarians by the name of al-Akhfash are mentioned); *GAS*, ix. 68–9. (150)
- ‘Alī [ibn Abī Ṭālib] (d. 40/660): Companion; fourth of the four Rightly Guided Caliphs, 35–40/656–61. See *EI* (2), i. 381–6. (16, 119, 136, 144, 175, 178)
- ‘Alī ibn al-Madīnī (d. 234/849): Iraqi *ḥadīth* scholar. See *Tahdhīb*, vii. 349–57. (30)
- ‘Alī ibn Muḥammad ibn Mahdawiyya (d. ?): unidentified sub-narrator in al-Khaṭīb al-Baghdādī’s *Asmā’ al-ruwāt*. (47)
- ‘Ammār ibn Sa’d al-Qaraz (d. ?): Successor. See *Tahdhīb*, vii. 401. (116)
- ‘Amr ibn Abī Salama [al-Tinnīsī] (d. c. 213/828): Syrian transmitter of *ḥadīth*. See *Tahdhīb*, viii. 43–4. (76, 171)
- ‘Amr ibn al-‘Āṣ (d. c. 42/663): Companion; commander of the Muslims conquering Egypt. See *EI* (2), i. 451. (9, 105, 138, 176)
- ‘Amr ibn Shu‘ayb (d. ?): transmitter of *ḥadīth*. See *Tahdhīb*, viii. 48–55. (84, 131)
- ‘Amr ibn Yazīd (d. ?): Egyptian companion of Mālik and presumed father of Yūsuf ibn ‘Amr ibn Yazīd (q.v.); otherwise unidentified. (58, 168)
- Anas ibn Mālik (d. c. 91–3/709–11): Companion; transmitter of *ḥadīth*. See *EI* (2), i. 482. (119)
- Asad ibn al-Furāt (d. 213/828): scholar from Ifrīqiyya who travelled East to study under Mālik and also travelled to Iraq, where he was influenced by the Hanafīs; appointed *qādī* of Kairouan in 204 AH; army leader in the conquest of Sicily, where he died in the siege of Syracuse. See *EI* (2), i. 685; *GAS*, i. 467; *Mad.* B ii. 465–80 / M iii. 291–309; *Dībāj*, p. 98; *Makhlūf*, i. 62. (44, 74–5, 171)
- Ashhab ibn ‘Abd al-‘Azīz (d. 204/820): Mālikī *faqīh*; head of the Mālikīs in Egypt after Ibn al-Qāsim (q.v.). See *GAS*, i. 466–7; *Mad.* B ii. 447–53 / M iii. 262–71. (74, 137–8)
- ‘Atā’ [ibn Abī Rabāḥ] (d. 114/732 or 115): Makkan *faqīh*. See *EI* (2), i. 730. (116, 178)
- ‘Atīq ibn Ya‘qūb al-Zubayrī (d. 228/842 or 229): long-term companion of Mālik. See *Mad.* B i. 381–2 / M iii. 173. (39, 74, 181)
- al-Awzā‘ī, ‘Abd al-Raḥmān ibn ‘Amr (d. 157/774): Syrian *faqīh* and “founder” of one of the early *madhabs*. See *EI* (2), i. 772–3. (2, 16, 18, 26, 30–1, 38, 41–2, 46, 48, 53, 57, 73–4, 107, 146, 159, 171, 177)
- al-Bājī (d. 474/1081): Andalusian scholar; author of a well known commentary on the *Muwatta’*. See *EI* (2), i. 864–5. (173)
- Baqiyya ibn al-Walīd al-Kalā‘ī al-Ḥimṣī (d. 197/812): Syrian *ḥadīth* scholar. See *Tahdhīb*, i. 473–8. (41)
- Barīra (d. c. 60–4/680–3): Companion; freed slave-girl of ‘Ā’isha (q.v.). See *EI* (2), i. 1048. (85)
- al-Bayhaqī (d. 458/1066): prolific author, and compiler of *al-Sunan al-kubrā*. See *EI* (2), i. 1130. (59, 71)
- Bilāl (d. between 17/638 and 21): Companion, famous as *mu’adhdhin*. See *EI* (2), i. 1215. (117)

- Bishr [ibn al-Ḥārith] al-Ḥāfī (d. 227/841–2): Iraqi Sufi and transmitter of *ḥadīth*. See *EI* (2), i. 1244–6; *Tahdhīb*, i. 444–5. (43)
- al-Bulqīnī, see Sirāj al-Dīn al-Bulqīnī
- al-Bukhārī, see Muḥammad ibn Ismā‘īl al-Bukhārī
- al-Burhān al-Biqā‘ī = Burhān al-Dīn Abū l-Ḥasan Ibrāhīm ibn ‘Umar ibn Ḥasan al-Rubāt ibn ‘Alī ibn Abī Bakr al-Biqā‘ī al-Shāfi‘ī (d. 885/1480): noted Shāfi‘ī scholar from Khirbat Rūḥa in Syria; student of al-Rā‘ī. See *GAL*, ii. 142, S ii. 177. (10)
- al-Buwayṭī, Yūsuf ibn Yaḥyā (d. 231/846): companion of al-Shāfi‘ī. See *Tahdhīb*, xi. 427–9; al-Subkī, *Ṭabaqāt*, ii. 162–70. (96, 136)
- al-Ḍaḥḥāk ibn ‘Uthmān [ibn al-Ḍaḥḥāk] (d. 180/797): one of the older companions of Mālik; specialist in the history of Quraysh; appointed governor in the Yemen towards the end of his life. See *Mad.* B i. 293–5 / M iii. 23–6; *Tahdhīb*, iv. 447–8. (40)
- al-Damīrī, see Kamāl al-Dīn al-Damīrī
- al-Dāraqutnī, see Abū l-Ḥasan al-Dāraqutnī
- al-Darāwardī, ‘Abd al-‘Azīz ibn Muḥammad (d. c. 186/802): Madinan *faqīh* and companion of Mālik. See *Mad.* B i. 288–90 / M iii. 13–15; *Tahdhīb*, vi. 353–5. (42, 46, 63)
- Dāwūd [ibn ‘Alī ibn Khalaf] al-Zāhirī (d. 270/884): Iraqi scholar, initially a staunch supporter of al-Shāfi‘ī, then “founder” of the Zāhirī *madhhab*. See *EI* (2), ii. 182–3. (2, 18, 26, 42, 48, 67, 107, 122, 126, 141, 156, 177)
- al-Dhahabī (d. 748/1348 or 753): well known historian and biographer. See *EI* (2), ii. 214–16. (161)
- Dhu‘ayb [ibn ‘Amāma (?)] al-Sahmī (d. 220/835 or 225): Madinan *ḥadīth* scholar. See al-Dhahabī, *Mizān al-i’tidāl*, ii. 52–3; Ibn Hajar, *Lisān al-mizān*, ii. 506–7. (30)
- al-Fakhr ibn al-Khaṭīb = Fakhr al-Dīn Muḥammad ibn ‘Umar ibn al-Ḥusayn al-Rāzī, Ibn Khaṭīb al-Rayy (d. 606/1209): polymath and author of numerous works. See *EI* (2), ii. 751–5. (71, 93, 95)
- al-Fārisī, al-Ḥasan ibn Aḥmad ibn ‘Abd al-Ghaffār, Abū ‘Alī (d. 377/987): grammarian. See *EI* (2), ii. 802–3; *GAS*, ix. 101–10. (116)
- Fityān ibn Abī l-Samḥ al-Mālikī (d. 232/846): Egyptian Mālikī scholar. See *Mad.* B ii. 457–9 / M iii. 278–80. (137–9, 141)
- Furay‘a [bint Mālik ibn Sinān] (d. ?): Companion; sister of the well-known Companion Abū Sa’id al-Khudrī (q.v.). See *Tahdhīb*, xii. 445. (47)
- al-Ghazālī, see Abū Ḥamid al-Ghazālī
- al-Ḥaffār = Abū ‘Abdallāh Muḥammad ibn ‘Alī ibn Muḥammad ibn Aḥmad ibn Sa’d al-Anṣārī (d. 811/1408–9): *imām* and *muftī* of Granada. See *Nayl*, p. 282; *Makhlūf*, i. 247. (7)
- Hafiz Mughaltāy, see Mughaltāy
- al-Ḥakam [ibn ‘Utayba] (d. c. 114/732): major Kufan *faqīh*. See *Tahdhīb*, ii. 432–4. (38, 42)
- al-Ḥākim [al-Naysābūrī], Muḥammad ibn ‘Abdallāh ibn Ḥamdawayhi (d. 405/1014): noted *ḥadīth* scholar and prolific author. See *GAL*, i. 166, S i. 276; Ibn Qāḍī Shuhba, *Ṭabaqāt*, i. 193–5. (59, 140)
- “Ḥammād” (with “al-Ḥakam”) = presumably, Ḥammād ibn Abī Sulaymān (q.v.). (38, 42)
- Ḥammād ibn Abī Ḥanīfa (d. ?): the son of the famous *faqīh* (q.v.). See Ibn Hajar, *Lisān al-mizān*, ii. 393. (40)



- Ḥammād ibn Abī Sulaymān (d. c. 120/738): Kufan *faqīh*; teacher of Abū Ḥanīfa (q.v.). See *GAS*, i. 404–5; *Tahdhīb*, iii. 16–18. (55, 164, 167)
- Ḥammād ibn Salama = Abū Salama Ḥammād ibn Salama ibn Dīnār (d. 167/784): Basran *ḥadīth* scholar. See *Tahdhīb*, iii. 11–16. (46, 55, 167)
- Ḥammād ibn Zayd = Abū Ismāʿīl Ḥammād ibn Zayd ibn Dirham al-Azraq (d. 179/795): Basran *ḥadīth* scholar. See *Tahdhīb*, iii. 9–11. (41–2, 46, 52, 55–6, 167)
- Ḥamza [ibn Ḥabīb al-Zayyāt] (d. 156/773): Kufan *qārīʿ*; one of the Seven Readers. See *EI* (2), iii. 155; *GAS*, i. 9; *Ghāya*, i. 261. (124, 179, 183)
- al-Ḥārith ibn Miskīn (d. 250/864): Egyptian *faqīh* and *qāḍī*. See *Mad.* B ii. 569–77 / M iv. 26–36; *Tahdhīb*, ii. 156–8. (58, 168)
- al-Ḥasan al-Baṣrī (d. 110/728): famous Basran Successor. See *EI* (2), iii. 247–8. (114)
- Hishām ibn ʿUrwa (d. c. 146/763). Successor; one of the Seven Fuqahāʾ of Madīna. See *Tahdhīb*, xi. 48–51. (30, 40, 46, 85, 128, 165, 180)
- al-Ḥurr ibn al-Ṣalt (d. ?): unidentified sub-narrator in al-Khaṭīb al-Baghdādī's *Asmāʾ al-ruwāt*. (47)
- Ibn ʿAbbās = ʿAbdallāh Ibn ʿAbbās (d. c. 68/687–8): famous scholar among the Companions. See *EI* (2), i. 40–1. (26, 74, 87, 178)
- Ibn ʿAbd al-Barr, see Abū ʿUmar ibn ʿAbd al-Barr
- Ibn ʿAbd al-Ḥakam, see Muḥammad ibn ʿAbdallāh ibn ʿAbd al-Ḥakam
- Ibn ʿAbdūn = Abū l-ʿAbbās Muḥammad ibn ʿAbdūn ibn Abī Thawr (d. ?): Ḥanafī *qāḍī* of Ifrīqiyya at the time of Asad ibn al-Furāt (q.v.). See al-Khushanī, *Qudāt Qurṭuba*, p. 307; Abū l-ʿArab, *Ṭabaqāt*, pp. 187–9. (75)
- Ibn Abī ʿAlī al-Lahabī / al-Lahālī (?), see Ibn Abī Ṭālib al-Muhallabī
- Ibn Abī ʿĀmir = Abū Bakr ʿAbdallāh ibn Muḥammad ibn Muḥammad al-Maʿāfirī ibn al-Lubb (or al-Dubb) (d. ?): one of al-Rāʿī's shaykhs in al-Andalus; otherwise unidentified. See *Dawʿ*, ix. 203 (“ibn al-Lubb”); *Nafḥ*, ii. 694 (“ibn al-Dubb”). (7)
- Ibn Abī l-Aswad = Abū Bakr ʿAbdallāh ibn Muḥammad (d. 223/838): Basran scholar who became *qāḍī* of Hamadān. See *Tahdhīb*, vi. 6. (56)
- Ibn Abī Dhiʿb = Muḥammad ibn ʿAbd al-Raḥmān ibn al-Mughīra ibn Abī Dhiʿb (d. 158/775 or 159): Successor; Madinan *faqīh* and *ḥadīth* scholar who also became *qāḍī*. See *Tahdhīb*, ix. 303–7. (63, 82)
- Ibn Abī Ḥatīm (d. 327/928): *ḥadīth* scholar and biographer. See *GAS*, i. 178–9. (50, 174)
- Ibn Abī Ḥāzim = ʿAbd al-ʿAzīz ibn Abī Ḥāzim Salama ibn Dīnār (d. c. 184/800): Madinan *faqīh*. See *Tahdhīb*, vi. 333–4. (54, 63, 70)
- Ibn Abī Kathīr = Ismāʿīl ibn Jaʿfar ibn Abī Kathīr (d. c. 180/796): Madinan *qārīʿ*; student of the Madinan *qārīʿ* Nāfiʿ (q.v.). See *GAS*, i. 94–5. (56, 167)
- Ibn Abī Laylā = Muḥammad ibn ʿAbd al-Raḥmān ibn Abī Laylā (d. 148/765): Kufan *ḥadīth* scholar and *faqīh*; *qāḍī* under both the Umayyads and the ʿAbbāsids. See *EI* (2), iii. 687–8; *Tahdhīb*, ix. 301–3. (84–5, 165)
- Ibn Abī Maḥdhūra (d. ?): son of Abū Maḥdhūra (q.v.). (117)
- Ibn Abī Maryam = Saʿīd ibn al-Ḥakam (d. 224/839): Egyptian *ḥadīth* transmitter; uncle of Aḥmad ibn Saʿīd ibn Abī Maryam (q.v.). See *Tahdhīb*, iv. 17–18. (135)
- Ibn Abī Surayj, see Aḥmad ibn Abī Surayj
- Ibn Abī Ṭālib al-Muhallabī or Ibn Abī ʿAlī al-Lahabī / al-Lahālī (?) (d. ?): unidentified scholar or notable of Madīna at the time of Mālik. (42, 164)

- Ibn Abī Uways, see Ismāʿīl ibn Abī Uways
- Ibn Abī Zayd al-Qayrawānī (d. 366/996): Mālikī *faqīh*. See *EI* (2), iii. 695; *GAS*, i. 478–81. (175)
- Ibn Abī l-Zinād = ʿAbd al-Raḥmān ibn Abī l-Zinād, Abū Muḥammad, al-Madanī (d. 174/790): Madinan *ḥadīth* scholar who settled in Baghdad. See *Tahdhīb*, vi. 170–3. (70)
- Ibn ʿAjlān = Muḥammad ibn ʿAjlān al-Madanī al-Qurashī (d. 148/765 or 149): Madinan *ḥadīth* transmitter. See *Tahdhīb*, ix. 341–2. (46)
- Ibn Ājurrūm = Abū ʿAbdallāh Muḥammad ibn Muḥammad ibn Dāwūd al-Ṣanhājī (d. 723/1323): grammarian; author of the *Ājurrūmiyya* on grammar. See *EI* (2), iii. 697. (7, 10)
- Ibn al-ʿArabī, Muḥyī l-Dīn (d. 628/1240): famous Sufi shaykh, known as “al-Shaykh al-Akbar” (“the Great Shaykh”). See *EI* (2), iii. 707–11. (165)
- Ibn al-ʿArabī, Qaḍī Abū Bakr Muḥammad ibn ʿAbdallāh (d. 543/1148): famous Andalusian scholar; *qāḍī* of Seville. See *EI* (2), iii. 707. (143)
- Ibn Bakkār = al-Zubayr ibn Bakkār (d. 256/870): Madinan *ḥadīth* scholar and historian; *qāḍī* of Makka. See *Mad.* B ii. 514 / M iii. 352; *Tahdhīb*, iii. 312–13. (30)
- Ibn Bukayr [al-Baghdādī] = Muḥammad ibn Aḥmad ibn ʿAbdallāh ibn Bukayr (d. 305/917–18): Mālikī *faqīh* in Iraq; one of the older companions of Qaḍī Ismāʿīl (q.v.). See *Mad.* M v. 16–17; *Dībāj*, p. 243; Makhlūf, i. 78. (79)
- Ibn Fattūḥ (?) = Abū Ishāq Ibrāhīm ibn Muḥammad ibn Fattūḥ al-ʿUqaylī (d. 867/1463): *muftī* of Granada, and one of al-Rāʿī's shaykhs there. See *Nayl*, pp. 53–4; also *Dawʿ*, i. 157 (where his death date is given as 856/1452). (7)
- Ibn Ghānim, ʿAbdallāh ibn ʿUmar (d. 190/806 or 196): *faqīh* from Kairouan who became *qāḍī* of Ifrīqiyya in 171/787–8. See *Mad.* B i. 316–25 / M iii. 65–79; Abū l-ʿArab, *Ṭabaqāt*, pp. 43–4. (35)
- Ibn Ḥabīb, ʿAbd al-Malik (d. 238/852 or 239): Andalusian scholar of *ḥadīth* and *fiqh*; compiler of the *Wāḍiḥa*, consisting of reports about *fiqh* according to the *madhhab* of the people of Madīna. See *GAS*, i. 468; *Mad.* B iii. 30–48 / M iv. 122–42; *Dībāj*, pp. 154–6; Makhlūf, i. 74. (83)
- Ibn Hajar, see Shihāb al-Dīn Ibn Hajar
- Ibn Ḥazm al-Zāhirī = ʿAlī ibn Aḥmad ibn Saʿīd ibn Ḥazm (d. 456/1064): well-known Andalusian proponent of the Zāhirī *madhhab*. See *EI* (2), iii. 790–9; *GAL*, S i. 692–7. (45, 177)
- Ibn Ḥiyāsa (?) al-Mālikī al-Iskandarī (d. ?): unidentified author of *al-Yawāqīt al-muraṣṣaʿa fī manāqib al-arbaʿa*. (20, 52, 166)
- Ibn Hurmuz = ʿAbdallāh ibn Yazīd ibn Hurmuz (d. 148/765): Madinan *faqīh* and shaykh of Mālik. See Ibn Saʿīd, *al-qism al-mutammim*, pp. 327–8; al-Fasawī, i. 651–5; al-Dhahabī, *Siyar*, vi. 379–80. (41, 49, 101)
- Ibn al-Imām = Abū l-Faḍl Muḥammad ibn Ibrāhīm ibn ʿAbd al-Raḥmān ibn al-Imām al-Tilimsānī (d. 845/1441): distinguished scholar from Tlemcen. See *Nayl*, pp. 305–6; Makhlūf, i. 254–5. (8)
- Ibn Jarīr al-Ṭabarī, see Muḥammad ibn Jarīr al-Ṭabarī
- Ibn al-Jazarī (d. 833/1429): famous scholar of *qirāʾāt*. See *EI* (2), iii. 753; *GAL*, ii. 201–3, S ii. 274–8. (9)
- Ibn Jurayj, ʿAbd al-Malik ibn ʿAbd al-ʿAzīz (d. 150/767): Makkan scholar and transmitter of *ḥadīth*. See *GAS*, i. 91. (28–31, 46, 55, 116)



- Ḥammād ibn Abī Sulaymān (d. c. 120/738): Kufan *faqīh*; teacher of Abū Ḥanīfa (q.v.). See *GAS*, i. 404–5; *Tahdhīb*, iii. 16–18. (55, 164, 167)
- Ḥammād ibn Salama = Abū Salama Ḥammād ibn Salama ibn Dīnār (d. 167/784): Basran *ḥadīth* scholar. See *Tahdhīb*, iii. 11–16. (46, 55, 167)
- Ḥammād ibn Zayd = Abū Ismāʿīl Ḥammād ibn Zayd ibn Dirham al-Azraq (d. 179/795): Basran *ḥadīth* scholar. See *Tahdhīb*, iii. 9–11. (41–2, 46, 52, 55–6, 167)
- Ḥamza [ibn Ḥabīb al-Zayyāt] (d. 156/773): Kufan *qārī*; one of the Seven Readers. See *EI* (2), iii. 155; *GAS*, i. 9; *Ghāya*, i. 261. (124, 179, 183)
- al-Ḥārith ibn Miskīn (d. 250/864): Egyptian *faqīh* and *qāḍī*. See *Mad. B* ii. 569–77 / *M* iv. 26–36; *Tahdhīb*, ii. 156–8. (58, 168)
- al-Ḥasan al-Baṣrī (d. 110/728): famous Basran Successor. See *EI* (2), iii. 247–8. (114)
- Hishām ibn ʿUrwa (d. c. 146/763). Successor; one of the Seven Fuqahāʾ of Madīna. See *Tahdhīb*, xi. 48–51. (30, 40, 46, 85, 128, 165, 180)
- al-Ḥurr ibn al-Ṣalt (d. ?): unidentified sub-narrator in al-Khaṭīb al-Baghdādī's *Asmāʾ al-ruwāt*. (47)
- Ibn ʿAbbās = ʿAbdallāh Ibn ʿAbbās (d. c. 68/687–8): famous scholar among the Companions. See *EI* (2), i. 40–1. (26, 74, 87, 178)
- Ibn ʿAbd al-Barr, see Abū ʿUmar ibn ʿAbd al-Barr
- Ibn ʿAbd al-Ḥakam, see Muḥammad ibn ʿAbdallāh ibn ʿAbd al-Ḥakam
- Ibn ʿAbdūn = Abū l-ʿAbbās Muḥammad ibn ʿAbdūn ibn Abi Thawr (d. ?): Ḥanafī *qāḍī* of Ifrīqiyya at the time of Asad ibn al-Furāt (q.v.). See al-Khushanī, *Quḍai Qurtuba*, p. 307; Abū l-ʿArab, *Ṭabaqāt*, pp. 187–9. (75)
- Ibn Abī ʿAlī al-Lahabī / al-Lahālī (?), see Ibn Abī Ṭālib al-Muhallabī
- Ibn Abī ʿĀmir = Abū Bakr ʿAbdallāh ibn Muḥammad ibn Muḥammad al-Maʿāfirī ibn al-Lubb (or al-Dubb) (d. ?): one of al-Rāʿī's shaykhs in al-Andalus; otherwise unidentified. See *Dawʿ*, ix. 203 (“ibn al-Lubb”); *Nafḥ*, ii. 694 (“ibn al-Dubb”). (7)
- Ibn Abī l-Aswad = Abū Bakr ʿAbdallāh ibn Muḥammad (d. 223/838): Basran scholar who became *qāḍī* of Hamadān. See *Tahdhīb*, vi. 6. (56)
- Ibn Abī Dhiʿb = Muḥammad ibn ʿAbd al-Raḥmān ibn al-Mughīra ibn Abi Dhiʿb (d. 158/775 or 159): Successor; Madinan *faqīh* and *ḥadīth* scholar who also became *qāḍī*. See *Tahdhīb*, ix. 303–7. (63, 82)
- Ibn Abī Ḥatīm (d. 327/928): *ḥadīth* scholar and biographer. See *GAS*, i. 178–9. (50, 174)
- Ibn Abī Ḥāzim = ʿAbd al-ʿAzīz ibn Abī Ḥāzim Salama ibn Dīnār (d. c. 184/800): Madinan *faqīh*. See *Tahdhīb*, vi. 333–4. (54, 63, 70)
- Ibn Abī Kathīr = Ismāʿīl ibn Jaʿfar ibn Abī Kathīr (d. c. 180/796): Madinan *qārī*; student of the Madinan *qārī* Nāfiʿ (q.v.). See *GAS*, i. 94–5. (56, 167)
- Ibn Abī Laylā = Muḥammad ibn ʿAbd al-Raḥmān ibn Abī Laylā (d. 148/765): Kufan *ḥadīth* scholar and *faqīh*; *qāḍī* under both the Umayyads and the ʿAbbāsids. See *EI* (2), iii. 687–8; *Tahdhīb*, ix. 301–3. (84–5, 165)
- Ibn Abī Maḥdhūra (d. ?): son of Abū Maḥdhūra (q.v.). (117)
- Ibn Abī Maryam = Saʿīd ibn al-Ḥakam (d. 224/839): Egyptian *ḥadīth* transmitter; uncle of Aḥmad ibn Saʿd ibn Abī Maryam (q.v.). See *Tahdhīb*, iv. 17–18. (135)
- Ibn Abī Surayj, see Aḥmad ibn Abī Surayj
- Ibn Abī Ṭālib al-Muhallabī or Ibn Abī ʿAlī al-Lahabī / al-Lahālī (?) (d. ?): unidentified scholar or notable of Madīna at the time of Mālik. (42, 164)

- Ibn Abī Uways, see Ismāʿīl ibn Abī Uways
- Ibn Abī Zayd al-Qayrawānī (d. 366/996): Mālikī *faqīh*. See *EI* (2), iii. 695; *GAS*, i. 478–81. (175)
- Ibn Abī l-Zinād = ʿAbd al-Raḥmān ibn Abī l-Zinād, Abū Muḥammad, al-Madanī (d. 174/790): Madinan *ḥadīth* scholar who settled in Baghdad. See *Tahdhīb*, vi. 170–3. (70)
- Ibn ʿAjlān = Muḥammad ibn ʿAjlān al-Madanī al-Qurashī (d. 148/765 or 149): Madinan *ḥadīth* transmitter. See *Tahdhīb*, ix. 341–2. (46)
- Ibn Ājurrūm = Abū ʿAbdallāh Muḥammad ibn Muḥammad ibn Dāwūd al-Ṣanhājī (d. 723/1323): grammarian; author of the *Ājurrūmiyya* on grammar. See *EI* (2), iii. 697. (7, 10)
- Ibn al-ʿArabī, Muḥyī l-Dīn (d. 628/1240): famous Sufi shaykh, known as “al-Shaykh al-Akbar” (“the Great Shaykh”). See *EI* (2), iii. 707–11. (165)
- Ibn al-ʿArabī, Qaḍī Abū Bakr Muḥammad ibn ʿAbdallāh (d. 543/1148): famous Andalusian scholar; *qāḍī* of Seville. See *EI* (2), iii. 707. (143)
- Ibn Bakkār = al-Zubayr ibn Bakkār (d. 256/870): Madinan *ḥadīth* scholar and historian; *qāḍī* of Makka. See *Mad. B* ii. 514 / *M* iii. 352; *Tahdhīb*, iii. 312–13. (30)
- Ibn Bukayr [al-Baghdādī] = Muḥammad ibn Aḥmad ibn ʿAbdallāh ibn Bukayr (d. 305/917–18): Mālikī *faqīh* in Iraq; one of the older companions of Qaḍī Ismāʿīl (q.v.). See *Mad. M* v. 16–17; *Dībāj*, p. 243; *Makhlūf*, i. 78. (79)
- Ibn Fattūḥ (?) = Abū Ishāq Ibrāhīm ibn Muḥammad ibn Fattūḥ al-ʿUqaylī (d. 867/1463): *muftī* of Granada, and one of al-Rāʿī's shaykhs there. See *Nayl*, pp. 53–4; also *Dawʿ*, i. 157 (where his death date is given as 856/1452). (7)
- Ibn Ghānim, ʿAbdallāh ibn ʿUmar (d. 190/806 or 196): *faqīh* from Kairouan who became *qāḍī* of Ifrīqiyya in 171/787–8. See *Mad. B* i. 316–25 / *M* iii. 65–79; Abū l-ʿArab, *Ṭabaqāt*, pp. 43–4. (35)
- Ibn Ḥabīb, ʿAbd al-Malik (d. 238/852 or 239): Andalusian scholar of *ḥadīth* and *fiqh*; compiler of the *Wāḍiḥa*, consisting of reports about *fiqh* according to the *madhhab* of the people of Madīna. See *GAS*, i. 468; *Mad. B* iii. 30–48 / *M* iv. 122–42; *Dībāj*, pp. 154–6; *Makhlūf*, i. 74. (83)
- Ibn Ḥajar, see Shihāb al-Dīn Ibn Ḥajar
- Ibn Ḥazm al-Zāhirī = ʿAlī ibn Aḥmad ibn Saʿīd ibn Ḥazm (d. 456/1064): well-known Andalusian proponent of the Zāhirī *madhhab*. See *EI* (2), iii. 790–9; *GAL*, S i. 692–7. (45, 177)
- Ibn Ḥiyāsa (?) al-Mālikī al-Iskandarī (d. ?): unidentified author of *al-Yawāqīt al-muraṣṣaʿa fī manāqib al-arbaʿa*. (20, 52, 166)
- Ibn Hurmuz = ʿAbdallāh ibn Yazīd ibn Hurmuz (d. 148/765): Madinan *faqīh* and shaykh of Mālik. See Ibn Saʿd, *al-qism al-mutammim*, pp. 327–8; al-Fasawī, i. 651–5; al-Dhahabī, *Siyar*, vi. 379–80. (41, 49, 101)
- Ibn al-Imām = Abū l-Faḍl Muḥammad ibn Ibrāhīm ibn ʿAbd al-Raḥmān ibn al-Imām al-Tilimsānī (d. 845/1441): distinguished scholar from Tlemcen. See *Nayl*, pp. 305–6; *Makhlūf*, i. 254–5. (8)
- Ibn Jarīr al-Ṭabarī, see Muḥammad ibn Jarīr al-Ṭabarī
- Ibn al-Jazarī (d. 833/1429): famous scholar of *qirāʾāt*. See *EI* (2), iii. 753; *GAL*, ii. 201–3, S ii. 274–8. (9)
- Ibn Jurayj, ʿAbd al-Malik ibn ʿAbd al-ʿAzīz (d. 150/767): Makkan scholar and transmitter of *ḥadīth*. See *GAS*, i. 91. (28–31, 46, 55, 116)



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- Ibn Kathīr, ʿAbdallāh (d. 120/738): Makkan *qāriʿ*; one of the Seven Readers. See *EI* (2), iii. 817. (167, 180, 183)
- Ibn Kathīr, ʿImād al-Dīn Ismāʿīl ibn ʿUmar (d. 774/1373): author of a famous *tafsīr*. See *EI* (2), iii. 817–18. (126)
- Ibn Khaldūn (d. 808/1406): historian, sociologist and philosopher. See *EI* (2), iii. 825–31. (16, 157)
- Ibn al-Khaṭīb, see al-Fakhr ibn al-Khaṭīb
- Ibn Khuzayma, Muḥammad ibn Ishāq (d. 311/924): *faqīh* and *ḥadīth* scholar; compiler of a *Ṣaḥīḥ*. See *GAS*, i. 601. (179)
- Ibn Kināna = Abū ʿAmr ʿUthmān ibn ʿIsā ibn Kināna (d. 185/801 or 186): Madinan *faqīh* who took over Mālik's circle after his death. See *Mad. B* i. 292–3 / *M* iii. 21–2. (40)
- Ibn Lahīʿa, ʿAbdallāh (d. 174/790): Egyptian *ḥadīth* scholar and *qāḍī*. See *EI* (2), iii. 853–4; *GAS*, i. 94. (54, 135)
- Ibn Mahdī, see ʿAbd al-Raḥmān ibn Mahdī
- Ibn Maʿīn, see Yahyā ibn Maʿīn
- Ibn al-Mājishūn = ʿAbd al-Malik ibn ʿAbd al-ʿAzīz ibn al-Mājishūn (d. 212/827 or 214): Madinan *faqīh*, son of the Madinan *faqīh*. See *Tahdhīb*, vi. 407–9; *Dībāj*, pp. 153–4; *Makhlūf*, i. 56. (72, 74)
- Ibn Mālik, Muḥammad ibn ʿAbdallāh (d. 672/1274): Andalusian grammarian who settled in Damascus; author of the famous *Alfiyya*. See *EI* (2), iii. 861–2. (10, 138, 154)
- Ibn Marzūq al-Ḥafīd (“The Grandson”) = Abū ʿAbdallāh Muḥammad ibn Aḥmad ibn Muḥammad ibn Aḥmad ibn Muḥammad ibn Muḥammad ibn Abī Bakr ibn Marzūq al-Ḥafīd al-ʿAjisī al-Tilimsānī (d. 842/1439): important Mālikī scholar from Tlemcen. See *GAL*, S ii. 345; *Dawʿ*, vii. 50–1; *Nayl*, pp. 293–9; *Makhlūf*, i. 252–3. (8, 10, 11)
- Ibn Maslama = Muḥammad ibn Maslama ibn Muḥammad ibn Hishām al-Makhzūmī (d. 206/821 or 216): Madinan *faqīh* and student of Mālik. See *Mad. B* i. 358 / *M* iii. 131–2; *Dībāj*, p. 227; *Makhlūf*, i. 56 (where “Maslama” is mistakenly spelled “Salama”). (133, 149)
- Ibn Masʿūd, ʿAbdallāh (d. 32/652): Companion. See *EI* (2), iii. 873–5. (15–16, 74, 92, 119, 160, 179)
- Ibn al-Muʿadhdal, Aḥmad (d. 240/854): Basran Mālikī *faqīh*. See *Mad. B* ii. 550–8 / *M* iv. 5–14; *Dībāj*, pp. 30–1. (72, 80)
- Ibn al-Mubārak, see ʿAbdallāh ibn al-Mubārak
- Ibn al-Muḥibb = Aḥmad ibn Muḥammad ibn Aḥmad (d. 857/1453): Egyptian Mālikī scholar who studied grammar under al-Rāʿī. See *Nayl*, p. 80; *Dawʿ*, i. 88. (10)
- Ibn al-Munayyir = Aḥmad ibn Muḥammad ibn Maṣṣūr, Nāṣir al-Dīn (d. 683/1284): Egyptian Mālikī scholar. See *Dībāj*, pp. 71–4; *Makhlūf*, i. 188. (114)
- Ibn al-Musayyab, see Saʿīd ibn al-Musayyab
- Ibn Muzāḥim, see Ismāʿīl ibn Muzāḥim
- Ibn Nāfiʿ al-Ṣāʿigh, ʿAbdallāh (d. 186/802 or 187, in Madīna): Madinan scholar and companion of Mālik. See *Tahdhīb*, vi. 51–2; *Mad. B* i. 356–8 / *M* iii. 128; *Dībāj*, p. 131; *Makhlūf*, i. 55. (70, 133)
- Ibn Naṣr, see ʿAbd al-Waḥhāb [ibn ʿAlī] ibn Naṣr al-Baghdādī
- Ibn al-Qāsim, see ʿAbd al-Raḥmān ibn al-Qāsim
- Ibn Rushd, see Abū l-Walīd ibn Rushd

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- Ibn al-Ṣalāḥ = ʿUthmān ibn ʿAbd al-Raḥmān ibn Mūsā al-Shahrazūrī al-Kurdī al-Shāfiʿī (d. 643/1245): famous scholar of the *ḥadīth* sciences. See *EI* (2), iii. 927. (148)
- Ibn al-Samʿānī = presumably, Abū l-Muzaḥḥar Maṣṣūr ibn Muḥammad (d. 489/1096): Shāfiʿī scholar who was originally a Ḥanafī. See al-Subkī, *Ṭabaqāt*, v. 335–46. (123, 179)
- Ibn Shihāb, see Muḥammad ibn Shihāb al-Zuhri
- Ibn Shubruma, ʿAbdallāh (d. 144/761): scholar of *ḥadīth* and *fiqh*; *qāḍī* of Kufa. See *Tahdhīb*, v. 250–1. (84–5)
- Ibn Sida (d. 458/1066): Andalusian grammarian. See *EI* (2), iii. 940. (151)
- Ibn Sirāj, see Abū l-Qāsim Muḥammad ibn Sirāj
- Ibn Taymiyya, see Abū l-ʿAbbās Ibn Taymiyya
- Ibn Ukayma al-Laythī, ʿUmāra or ʿAmmār or ʿAmr or ʿĀmir (d. 101/719): Madinan Successor. See *Tahdhīb*, vii. 410–11. (127)
- Ibn ʿUmar, see ʿAbdallāh ibn ʿUmar
- Ibn ʿUyayna, see Sufyān ibn ʿUyayna
- Ibn Wahb, see ʿAbdallāh ibn Wahb
- Ibrahim: the prophet Abraham. (1, 57)
- Ibrāhīm ibn ʿAbdallāh ibn Quraym (fl. second/eighth century): *qāḍī* of Madīna; transmitter from Mālik. See *Tahdhīb*, i. 135. (54)
- Ibrāhīm ibn Yahyā al-ʿAbbāsī (fl. second/eighth century): *amīr* of Madīna 166–7/782–3. See Zambaur, p. 24 [French] = p. 36 [Arabic]. (76)
- Ibrāhīm al-Nakhaʿī (d. 96/714): Kufan *faqīh*. See *GAS*, i. 403–4. (38, 70, 179)
- ʿImrān ibn Ḥuṣayn (d. 52/672): Companion. See *Tahdhīb*, viii. 125–6. (127, 180)
- “Ishāq” = possibly either Ishāq ibn Rāḥawayh (q.v.) or Ishāq ibn ʿIsā ibn Najīḥ al-Baghdādī (q.v.). (58)
- Ishāq ibn Abī Isrāʾīl (d. 240/854 or 246): Baghdādī *ḥadīth* scholar. See *Tahdhīb*, i. 223–5. (30, 162)
- Ishāq ibn ʿIsā ibn Najīḥ al-Baghdādī, Abū Yaʿqūb ibn al-Ṭabbāʿ (d. 215/830 or 216): Baghdādī scholar who related from Mālik. See *Tahdhīb*, i. 235.
- Ishāq ibn Maṣṣūr al-Kawsaj (d. 251/865): Khurāsānī follower of Aḥmad ibn Ḥanbal (q.v.). See *GAS*, i. 509. (161)
- Ishāq ibn Rāḥawayh (d. 238/853): renowned *ḥadīth* scholar and *faqīh* who travelled extensively in Iraq and the Ḥijāz before settling in Nishapur. See *GAS*, i. 109–10. (156, 159)
- Ismāʿīl ibn Abī Uways (d. 226/840): nephew and son-in-law of Mālik. See *Mad. B* i. 369–70 / *M* iii. 151–4; *Makhlūf*, i. 56; *Tahdhīb*, i. 310–12. (1, 41, 53, 55, 171)
- Ismāʿīl ibn Ishāq ibn Ismāʿīl ibn Ḥammād al-Azdī, Abū Ishāq (d. 282/896): Mālikī scholar and *qāḍī* in Iraq. See *Mad. B* iii. 168–81 / *M* iv. 278–93; *Dībāj*, p. 92; *Makhlūf*, i. 65–6. (146)
- Ismāʿīl ibn Muzāḥim al-Marwazī (d. ?): follower of Ibn al-Mubārak (q.v.); otherwise unidentified. (57)
- Ismāʿīl ibn al-Yasaʿ al-Kindī (d. ?): first Ḥanafī *qāḍī* in Egypt (164–7/780–3) under al-Mahdī (q.v.). See al-Kindī, *Kitāb al-Wulāt*, pp. 371–3; Ibn Ḥajar, *Rafʿ al-īṣr*, i. 126–8. (135–6)
- ʿIyād ibn Mūsā al-Yaḥṣubī, Abū l-Faḍl, al-Qāḍī (d. 544/1149): Andalusian scholar and *faqīh*; author of several well-known works, including *al-Shifā bi-taʿrīf ḥuqūq al-Muṣṭafā* about the Prophet, and *Tarīḥ al-madārik* about Mālik, the Mālikī



- madhhab*, and key Mālikī scholars up until his day. See *EI* (2), iv. 289–90, (8, 15, 20, 30–1, 35, 38–41, 46–7, 51, 59, 66–9, 71, 76–7, 80, 84, 115, 141–2, 144–5, 148, 162, 171, 174)
- Jābir ibn ʿAbdallāh (d. in or after 73/692): Companion. See *Tahdhīb*, ii. 42–3, (85, 127)
- Jaʿfar al-Firyābī = Abū Bakr Jaʿfar ibn Muḥammad al-Firyābī (d. 301/913): *ḥadīth* scholar; *qādī* of Dīnawar; author of *Manāqib al-Imām Mālik*. See *GAS*, i. 166; *Mad.* B iii. 187–8 / M iv. 300–1. (46)
- Jalāl al-Dīn al-Bulqīnī = ʿAbd al-Raḥmān ibn ʿUmar ibn Raslān al-Bulqīnī (d. 824/1421): Egyptian *qādī*; son of Sirāj al-Dīn al-Bulqīnī (q.v.). See *EI* (2), i. 1308; *Dawʿ*, iv. 106; Petry, *Civilian Elite*, pp. 233–6. (148)
- Jarīr (d. c. 110/728): Umayyad poet. See *EI* (2), ii. 479–80; *GAS*, ii. 356–9. (62)
- al-Jaṣṣāṣ, see Abū Bakr al-Rāzī
- al-Jawharī, Tāj al-Lughā = Abū Naṣr Ismāʿīl ibn Naṣr ibn Ḥammād al-Jawharī (d. c. 398/1007): grammarian; author of the famous *Ṣaḥāḥ*. See *EI* (2), ii. 495–7, (150–1, 183)
- Jibrīl: the angel Gabriel. (175)
- Jubayr ibn Muṭʿim (d. 58/678 or 59): Companion. See *Tahdhīb*, ii. 63–4. (89)
- al-Junayd [ibn Muḥammad al-Baghdādī] (d. 297/909–10): Sufi master grounded in knowledge of the Book and the Sunna. See *EI* (2), ii. 600. (166)
- al-Juwaynī, see Abū l-Maʿālī al-Juwaynī
- Kaʿb ibn Mālik (d. 50/670): Companion. See *Tahdhīb*, viii. 440–1. (47)
- al-Kalābādhī = Aḥmad ibn Muḥammad ibn al-Ḥusayn ibn al-Ḥasan, Abū Naṣr al-Bukhārī al-Kalābādhī (d. 398/1008): *ḥadīth* scholar. See *GAL*, Si. 280; *Shadharāt*, iii. 151. (174)
- Kamāl al-Dīn al-Damīrī al-Shāfiʿī = Muḥammad ibn Mūsā ibn ʿIsā al-Damīrī (d. 808/1405): author of *Ḥayāt al-ḥayawān*. See *EI* (2), ii. 107–8. (138)
- al-Kamāl ibn Khayr = ʿAbdallāh ibn Muḥammad ibn Muḥammad ibn Sulaymān al-Sikandarī (d. in the 820s/1417–26): scholar who settled in Cairo from whom al-Rāʿī received an *ijāza*. See *Dawʿ*, v. 63. (8)
- Khalaf [al-Bazzār] (d. 229/844): Kufan *qārī*; one of the Ten Readers. See *Ghāya*, i. 272–3. (183)
- Khalaf ibn ʿUmar (d. ?): unidentified companion of Mālik. (49, 56, 165)
- Khalīl [ibn Ishāq al-Jundī] (d. 767/1365, or 776): author of a famous *Mukhtaṣar* on Mālikī *fiqh*. See *EI* (2), iv. 964; *GAL*, ii. 83–5, S ii. 96–9. (7, 10–11, 173, 182)
- al-Khaṭīb al-Baghdādī, see Abū Bakr Aḥmad ibn ʿAlī
- al-Khiḍr (or “al-Khaḍīr”): lit. “the green one”; a figure of somewhat disputed status in classical Islam, considered by some to be a prophet and by others to be a *walī*, and considered by the majority to be alive until the Day of Rising, having drunk of the water of life. (48)
- al-Kisāʿī (d. 189/805): Kufan *qārī*; one of the Seven Readers. See *EI* (2), v. 174–5; *Ghāya*, i. 535–40. (183)
- al-Layth ibn Saʿd (d. 175/791): Egyptian *faqīh*. See *EI* (2), v. 711–12. (2, 18, 26, 30, 34–5, 38, 42, 44, 46, 48, 55–6, 58, 73, 100, 135–6, 139–40, 146, 156, 175, 181)
- al-Maḥāmīlī, Abū l-Ḥasan Aḥmad ibn Muḥammad (d. 415/1024): Iraqi Shāfiʿī *faqīh*. See *GAL*, S i. 307; Ibn Qāḍī Shuhba, *Ṭabaqāt*, i. 174–5. (77)
- al-Mahdī (d. 169/785): ʿAbbāsīd caliph, 158–69/775–85. See *EI* (2), v. 1238–9. (42, 74, 135, 164, 172)

- Makhūl al-Shāmī (d. 112/730): Syrian *ḥadīth* transmitter and *faqīh*. See *GAS*, i. 404. (117)
- Mālik ibn Anas (d. 179/795): the famous imam, and eponymous “founder” of the Mālikī *madhhab*. See *EI* (2), vi. 262–5; *GAS*, i. 457–64. (*passim*)
- Mālik ibn Dīnār (d. 127/744–5): Basran transmitter of *ḥadīth*. See *Tahdhīb*, x. 14–15. (117, 178)
- Maʿmar [ibn Rāshid] (d. c. 154/771): compiler of *ḥadīth*. See *GAS*, i. 290. (55)
- Maʿn ibn ʿIsā (d. 198/814): noted Madinan scholar of *ḥadīth*. See *Tahdhīb*, x. 252–3; *Mad.* B i. 367–9 / M iii. 148–50. (65)
- al-Manṣūr, see Abū Jaʿfar al-Manṣūr
- al-Maqqarī (d. 1041/1632): biographer and historian, especially of Muslim Spain. See *EI* (2), vi. 187–8; *GAL*, S ii. 407–8. (10, 157, 163, 175, 178, 182)
- al-Maqrīzī (d. 845/1442): Egyptian historian. See *EI* (2), vi. 193–4. (12)
- Marwān [ibn al-Ḥakam] (d. 65/685): Umayyad caliph, 64–5/684–5; formerly twice governor of Madina, c. 41–9/661–9 and c. 54–7/674–7, under the caliph Muʿāwīya. See *EI* (2), vi. 621–3. (14)
- al-Māzarī, Muḥammad ibn ʿAlī (d. 536/1141): Mālikī scholar from Ifrīqiyya with family origins in Mazara in western Sicily; author of a commentary on the *Talqīn* of Qādī ʿAbd al-Waḥḥāb (q.v.) entitled *al-Muʿīn ʿalā l-Talqīn*. See *EI* (2), vi. 942–3. (20, 121, 123–6, 146)
- al-Mintūrī = Muḥammad ibn ʿAbd al-Malik ibn ʿAlī al-Qaysī al-Mintūrī al-Gharnāṭī, Abū ʿAbdallāh (d. 834/1431): one of al-Rāʿī’s shaykhs in Granada. See *Nayl*, p. 291; *Makhlūf*, i. 247–8. (7)
- Misʿar ibn Kudām [ibn Ḥaḥīr] (d. 153/770 or 155): Kufan transmitter of *ḥadīth*. See *Tahdhīb*, x. 113–15. (85)
- Muʿādh ibn Saʿd or Saʿd ibn Muʿādh (d. ?): transmitter, possibly Companion. See *Tahdhīb*, x. 191. (47)
- Muʿāwīya [ibn Abī Sufyān] (d. 60/680): Companion; Umayyad caliph, 41–60/661–80. See *EI* (2), vii. 263–8. (16)
- al-Muʿayyad Shyakh (d. 824/1421): Mamluk sultan (815–24/1412–21) who founded the Muʿayyadiyya Madrasa in Cairo. See *EI* (2), vii. 271–2. (9)
- al-Mubarrad = Muḥammad ibn Yazīd ibn ʿAbd al-Akbar al-Azdī al-Baṣrī, Abū l-ʿAbbās (d. 285/899 or 286): chief grammarian in Baghdad in his time. See *EI* (2), vii. 279–82. (154)
- al-Mufaḍḍal ibn Muḥammad [ibn Ibrāhīm] al-Jundī (d. 308/920): *ḥadīth* transmitter. See Ibn Hajar, *Lisān al-mīzān*, vi. 111. (49, 165)
- Mughaltāy = Abū ʿAbdallāh ibn Qalīj (or Qilīj) ibn ʿAbdallāh al-Bakjārī al-Miṣrī, ʿAlāʾ al-Dīn (d. 762/1361): Ḥanafī *ḥadīth* scholar of Turkish origin who taught in Cairo. See *GAL*, ii. 48, S ii. 47–8; Ziriklī, *Aʿlām*, vii. 275–6. (148–9, 182)
- al-Mughīra [ibn ʿAbd al-Raḥmān] al-Makhzūmī (d. 186/802 or 188): companion of Mālik and one of the chief *fuqahāʾ* in Madina after him. See *Mad.* B i. 282–6 / M iii. 2–8; *Tahdhīb*, x. 265–6. (42, 164)
- Muḥammad ibn ʿAbd al-Ḥakam, see Muḥammad ibn ʿAbdallāh ibn ʿAbd al-Ḥakam
- Muḥammad ibn ʿAbd al-Raḥmān, see Abū l-Aswad
- Muḥammad ibn ʿAbdallāh ibn ʿAbd al-Ḥakam (d. 268/882): Egyptian Mālikī *faqīh* who spent time with, and was influenced by, al-Shāfiʿī. See *GAS*, i. 474; *Tahdhīb*, ix. 260–2; *Makhlūf*, i. 67. (35, 41, 99, 115, 141, 143)



- Muḥammad ibn Abī Bakr [ibn Muḥammad] ibn ʿAmr ibn Ḥazm (d. 132/750): Madinan *qāḍī*; son of the Madinan *qāḍī* and governor, Abū Bakr ibn ʿAmr ibn Ḥazm (q.v.). See *Tahdhīb*, ix. 80. (69)
- Muḥammad ibn Aḥmad al-Zubayrī (d. ?): unidentified sub-narrator in Abū Nuʿaym's *Hilya*. (58)
- Muḥammad ibn ʿAlī ibn Aḥmad al-Ṣāliḥī (d. ?): unidentified sub-narrator in al-Khaṭīb al-Baghdādī's *Asmāʾ al-ruwāt*. (47)
- Muḥammad ibn ʿAlī ibn ʿĀṣim (d. ?): unidentified sub-narrator in Abū Nuʿaym's *Hilya*. (49)
- Muḥammad ibn ʿĀṣim (d. ?): unidentified sub-narrator in Abū Nuʿaym's *Hilya*. (58)
- Muḥammad ibn al-Ḥasan al-Shaybānī (d. 189/805): Kufan *faqīh*; student of Abū Ḥanīfa and co-founder of the Ḥanafī *madhhab* with Abū Yūsuf (q.v.). See *EI* (2), ix. 392–4. (27, 30, 35–6, 40, 46, 51, 66, 70–1, 74, 94, 96, 139, 144, 163)
- Muḥammad ibn Ibrāhīm ibn ʿAlī (d. ?): unidentified sub-narrator in Abū Nuʿaym's *Hilya*. (58)
- Muḥammad ibn Idrīs al-Shāfiʿī (d. 204/820): *uṣūlī* and *faqīh*; eponymous “founder” of the Shāfiʿī *madhhab*. See *EI* (2), ix. 181–5; *GAS*, i. 484–90. (2, 13–14, 16–19, 23–4, 26–7, 30, 35–7, 40–2, 45–8, 50, 52, 54–5, 59–62, 64, 66–7, 70–2, 76, 78, 80, 86–7, 89, 93–7, 99, 104, 107, 113–16, 118, 121–3, 125–6, 129, 131–3, 135–9, 141, 143–8, 160–3, 172–4, 181)
- Muḥammad ibn Ismāʿīl al-Bukhārī (d. 256/870): famous transmitter of *ḥadīth*; compiler of a *Ṣaḥīḥ*, one of the Six Books of *ḥadīth*. See *EI* (2), i. 1296–7; *GAS*, i. 115–34. (14, 67, 76, 171)
- Muḥammad ibn Jarīr al-Ṭabarī (d. 310/923): famous *mufasssīr* and historian; founder of an early school of law which did not last. See *EI* (2), x. 11–15; Melchert, *Formation*, pp. 191–7. (18, 156, 161)
- Muḥammad ibn Khālid ibn ʿUthma (d. ?): Basran transmitter from Mālik. See *Tahdhīb*, ix. 142–3. (44)
- Muḥammad ibn Muslim [ibn Wāra] (d. ?): unidentified sub-narrator in Ibn Hajar's *Tawālī*. (50)
- Muḥammad ibn Naṣr al-Marwazī (294/906): scholar who eventually chose the *madhhab* of al-Shāfiʿī. See al-Subkī, *Ṭabaqāt*, ii. 246–55. (161)
- Muḥammad ibn Rumḥ al-Tujībī (d. c. 242/856): Egyptian transmitter and companion of Mālik. See *Mad. B* ii. 533–4 / *M* iii. 377–8; *Tahdhīb*, ix. 164–5. (56, 58)
- Muḥammad ibn Shihāb al-Zuhrī (d. 124/742): younger Madinan Successor and one of Mālik's main teachers of *ḥadīth*. See *EI* (2), xi. 565–6; *GAS*, i. 280–3; *GAL*, S i. 102; *Tahdhīb*, ix. 445–51. (16, 30, 40, 47, 54–5, 58, 127–8, 165, 175)
- Muḥammad ibn ʿUmar (d. ?): unidentified sub-narrator in al-Ghāfiqī's *Musnad al-Muwaffaʿ*. (56)
- Muḥammad ibn Zabān ibn Ḥabīb (d. ?): unidentified sub-narrator in Abū Nuʿaym's *Hilya*. (58)
- Muḥārīb ibn Dithār (d. 116/734): Kufan transmitter of *ḥadīth*. See *Tahdhīb*, x. 49–51. (85)
- Muḥyī l-Dīn al-Nawawī (d. 676/1277): renowned Shāfiʿī scholar and prolific author. See *EI* (2), vii. 1041–2. (20, 56, 114, 125, 143, 179)
- Mūsā ibn Zakariyyāʾ al-Tustarī (d. ?): unidentified sub-narrator in al-Ghāfiqī's *Musnad al-Muwaffaʿ*. (56)

- Muslim (d. 261/875): famous transmitter of *ḥadīth*, whose *Ṣaḥīḥ* is one of the Six Books of *ḥadīth*. See *EI* (2), vii. 691–2; *GAS*, i. 136–43. (14, 67, 86)
- Muṭarrif Abū Muṣʿab = Muṭarrif ibn ʿAbdallāh ibn Muṭarrif al-Yasārī, Abū Muṣʿab (d. c. 220/835): Madinan *faqīh*; companion of Mālik. See *Mad. B* i. 358–60 / *M* iii. 133–5; *Tahdhīb*, x. 175–6. (57, 74, 165)
- al-Muthannā ibn Saʿīd al-Qaṣīr (?) = presumably, al-Muthannā ibn Saʿīd al-Ḍubāʿī Abū Saʿīd al-Baṣrī al-Qassām al-Dhārīʿ al-Qaṣīr (?) (d. ?): older contemporary of Mālik. See *Tahdhīb*, x. 34–5. (58, 167)
- Nāfiʿ, the *mawlā* of Ibn ʿUmar (d. between 117/735 and 120): one of Mālik's main teachers of *ḥadīth*. See *EI* (2), vii. 876–7. (47, 55, 94, 128, 148)
- Nāfiʿ [ibn ʿAbd al-Raḥmān ibn Abī Nuʿaym] (d. 169/785–6): Madinan *qārīʾ*; one of the Seven Readers. See *EI* (2), vii. 878; *GAS*, i. 9; *Ghāya*, ii. 330. (34, 46, 167, 183)
- Nāfiʿ ibn Jubayr (d. 99/717–18): Madinan Successor. See *Tahdhīb*, x. 404–5. (128, 180)
- Najm al-Dīn ibn Fahd = ʿUmar ibn Muḥammad ibn Muḥammad ibn Abī l-Khayr Muḥammad ibn Muḥammad ibn ʿAbdallāh ibn Fahd (d. 885/1480): scholar of Makkan origin who travelled extensively throughout the central Muslim world. See *GAL*, S ii. 225; *Ḍawʿ*, vi. 126–31. (10, 158)
- Najm al-Dīn al-Ṭufī (d. 716/1316): Iraqi Ḥanbalī scholar. See *EI* (2), x. 588–9. (161)
- al-Nakhaʿī, see Ibrāhīm al-Nakhaʿī
- al-Nasāʾī (d. 303/915): compiler of a *Sunan*, one of the Six Books of *ḥadīth*. See *EI* (2), vii. 969–70. (28–9, 162)
- al-Nawawī, see Muḥyī l-Dīn al-Nawawī
- Nuʿaym ibn Ḥammād (d. ?): *ḥadīth* scholar from Merv who settled in Egypt; student of Ibn al-Mubārak (q.v.). See *GAS*, i. 104–5. (65)
- Qadi ʿAbd al-Wahhāb, see ʿAbd al-Wahhāb [ibn ʿAlī] ibn Naṣr
- Qadi Abū ʿAbdallāh Muḥammad ibn Ibrāhīm al-Ḥaḍramī, see Abū ʿAbdallāh Muḥammad ibn Ibrāhīm al-Ḥaḍramī
- Qadi Abū Bakr ʿAbdallāh ibn Yahyā ibn Zakariyyā al-Anṣārī, see Abū Bakr ʿAbdallāh ibn Yahyā ibn Zakariyyā al-Anṣārī
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- Qadi Qāsim ibn Saʿīd al-ʿUqbānī, see Qāsim ibn Saʿīd al-ʿUqbānī
- al-Qaffāl = presumably, Abū Bakr ʿAbdallāh ibn Aḥmad ibn Abdallāh al-Qaffāl al-Marwazī, known as al-Qaffāl al-Ṣaghīr (“the Minor Qaffāl”) (d. 417/1026): major Shāfiʿī *faqīh* in Khurāsān. See al-Subkī, *Ṭabaqāt*, v. 53–62. (145)
- al-Qaʿnabī = ʿAbdallāh ibn Maslama ibn Qaʿnab (d. 221/836): Madinan *ḥadīth* scholar and transmitter from Mālik who settled in Basra. See *Tahdhīb*, vi. 31; *Mad. B* i. 397–9 / *M* iii. 198–201; Makhlūf, i. 57. (44, 59)
- al-Qarāfī, see Aḥmad ibn Idrīs
- al-Qāsim ibn al-Ḥakam al-Qurashī (d. ?): unidentified sub-narrator, transmitting from Abū Ḥanīfa (q.v.), in Abū Nuʿaym's *Hilya*. (47)
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- Muḥammad ibn Abī Bakr [ibn Muḥammad] ibn ʿAmr ibn Ḥazm (d. 132/750): Madinan *qāḍī*; son of the Madinan *qāḍī* and governor, Abū Bakr ibn ʿAmr ibn Ḥazm (q.v.). See *Tahdhīb*, ix. 80. (69)
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- al-Qaʿnabī = ʿAbdallāh ibn Maslama ibn Qaʿnab (d. 221/836): Madinan *ḥadīth* scholar and transmitter from Mālik who settled in Basra. See *Tahdhīb*, vi. 31; *Mad. B* i. 397–9 / *M* iii. 198–201; Makhlūf, i. 57. (44, 59)
- al-Qarāfī, see Aḥmad ibn Idrīs
- al-Qāsim ibn al-Ḥakam al-Qurashī (d. ?): unidentified sub-narrator, transmitting from Abū Ḥanīfa (q.v.), in Abū Nuʿaym's *Hilya*. (47)
- al-Qāsim ibn Muḥammad ibn Abī Bakr al-Ṣiddīq (d. 106/724): one of the Seven Fuqahāʾ of Madina (q.v.); grandson of the caliph Abū Bakr (q.v.). See *EI* (2), Supplement, pp. 311–12. (14, 128, 180)



## BIOGRAPHICAL NOTES

- Qāsim ibn Saʿīd al-ʿUqbānī al-Tilimsānī, Abū l-Faḍl (d. 854/1450): Chief Qaḍī of Tlemcen; author of a commentary on Ibn al-Ḥajīb's *al-Mukhtaṣar al-farʿī*. See *Dawʿ*, vi. 181; *Nayl*, pp. 223–34; Makhlūf, i. 255. (8, 10)
- al-Qaṭṭān, see Yahyā ibn Saʿīd al-Qaṭṭān
- Qiwām al-Dīn al-Itqānī = Amīr Kātib ibn Amīr ʿUmar ibn Amīn Ghāzī (d. 758/1357): Ḥanafī scholar from the Fārāb region in Central Asia who spent the last few years of his life in Egypt. See *GAL*, ii. 79, S ii. 87–8; al-Suyūṭī, *Bughyar al-wuʿāt*, i. 459–60; *Shadharāt*, vi. 185. (145)
- al-Rabīʿ ibn Sulaymān (d. 270/883–4): companion of al-Shāfiʿī in Egypt. See *Tahdhīb*, iii. 245; al-Subkī, *Ṭabaqāt*, ii. 132–9; Ibn Qāḍī Shuhba, *Ṭabaqāt*, i. 65–6; *Shadharāt*, ii. 159. (96)
- Rabīʿa [ibn Abī ʿAbd al-Raḥmān] (d. 136/753–4): Madinan faqīh, known as “Rabīʿat al-raʿy”. See *GAS*, i. 406–7. (16, 40, 49, 54, 72, 92–3)
- al-Rāʿī, Muḥammad ibn Muḥammad, Shams al-Dīn (d. 853/1450): Andalusian scholar; author of the book here translated. See *GAL*, ii. 85, S ii. 100; Kaḥḥāla, *Muʿjam*, ix. 54 and xi. 271–2 (= two separate entries); Zirikli, *Aʿlām*, vii. 47. (2, 7–15, 20, 157–9, 163, 174–5, 178, 182–3)
- al-Rashīd = Hārūn al-Rashīd (d. 193/809): ʿAbbāsīd caliph 170–93/786–809. See *EI* (2), iii. 232–4. (64–5, 164)
- Saʿd ibn Abī Waqqāṣ (d. c. 55/675): Companion, and one of the Ten who were promised the Garden. See *EI* (2), viii. 696–7. (54)
- Ṣafwān ibn ʿUmar (or ʿAmr) ibn ʿAbd al-Wāḥid (d. ?): either unidentified student of Mālik or the son of ʿUmar ibn ʿAbd al-Wāḥid (q.v.). (76, 171)
- Sahnūn = Abū Saʿīd ʿAbd al-Salām Sahnūn ibn Saʿīd ibn Ḥabīb al-Tanūkhī (d. 240/855): student of Ibn al-Qāsim (q.v.) and compiler of the *Mudawwana*; qāḍī in Kairouan from 234 AH until his death. See *EI* (2), viii. 843–5; *Mad. B* ii. 585–626 / *M* iv. 45–88. (75)
- Saʿīd ibn ʿAbd al-Jabbār = presumably, Saʿīd ibn ʿAbd al-Jabbār ibn Yazīd al-Qurashī (d. 236/851): ḥadīth transmitter from Basra who settled in Makka. See *Tahdhīb*, iv. 52–3. (56)
- Saʿīd ibn Abī Ayyūb (d. c. 161/777): Egyptian transmitter of ḥadīth. See *Tahdhīb*, iv. 7–8. (181)
- Saʿīd ibn al-Ḥaddād = Abū ʿUthmān Saʿīd bin Muḥammad al-Ghassānī (d. 302/915): scholar from Kairouan. See *GAS*, i. 601. (41)
- Saʿīd ibn Maṣṣūr [al-Khurāsānī] (d. c. 227/841): author of a collection of ḥadīth from Mālik and al-Layth in particular. See *GAS*, i. 104. (41, 93)
- Saʿīd ibn al-Musayyab (d. c. 94/718): Successor; one of the Seven Fuqahāʾ of Madina (q.v.). See *EI* (2), Supplement, p. 311; *GAS*, i. 276. (30, 69, 175)
- Saʿīd ibn Sulaymān al-Musāḥiqī (d. during the caliphate of al-Rashīd [170–93/786–809]): companion of Mālik; appointed qāḍī by al-Mahdī (q.v.) and retained by al-Rashīd (q.v.). See *Mad. B* i. 295–7 / *M* iii. 27–9. (58, 164)
- Ṣalāḥ al-Dīn al-Ayyūbī (d. 589/1193): first Ayyūbid sultan of Egypt. See *EI* (2), viii. 910–14. (12, 181)
- Ṣalāḥ al-Dīn al-Ṣafadī al-Shāfiʿī = Khalīl ibn Aybak ibn ʿAbdallāh al-Ṣafadī (d. 764/1363): author and historian. See *EI* (2), viii. 759–60. (47, 148)
- al-Ṣalāḥ al-Ṣafadī, see Ṣalāḥ al-Dīn al-Ṣafadī al-Shāfiʿī
- al-Ṣāliḥ Najm al-Dīn Ayyūb (d. 647/1249): Mamluk sultan (640–1/1242–3) who founded the Ṣāliḥiyya Madrasa in Cairo. See *EI* (2), viii. 988–9. (158)

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- Ṣāliḥ al-Zawāwī, see Abū l-Baqāʾ Ṣāliḥ al-Zawāwī
- Ṣālim ibn ʿAbdallāh ibn ʿUmar (d. c. 106/724): Successor; Madinan faqīh. See *Tahdhīb*, iii. 437. (30)
- Sanad (?) ibn ʿInān [ibn Ibrāhīm] al-Azdī (or al-Asadī) al-Mālikī (d. 541/1146): Egyptian scholar; author of a commentary on the *Mudawwana* entitled *al-Ṭirāz*. See *Dibāj*, pp. 126–7 (“al-Azdī”); Makhlūf, i. 125 (“al-Asadī”); *GAS*, i. 469 (“Sind . . . al-Azdī”). (40, 144, 163)
- al-Sanhūrī, ʿAlī ibn ʿAbdallāh Nūr al-Dīn (d. 889/1484): student of al-Rāʿī who became Shaykh of the Mālikīs in Egypt in his time; author of commentaries on the *Mukhtaṣar* of Khalīl and the *Ājurrūmiyya*. See *EI* (2), viii. 19. (10)
- al-Ṣayrafī, see Abū Bakr al-Ṣayrafī
- Sayyidnā Ibrāhīm = the prophet Abraham
- [The] Seven Fuqahāʾ of Madina = Saʿīd ibn al-Musayyab (q.v.), ʿUrwa ibn al-Zubayr (q.v.), al-Qāsim ibn Muḥammad ibn Abī Bakr (q.v.), Abū Bakr ibn ʿAbd al-Raḥmān, ʿUbaydallāh ibn ʿAbdallāh ibn ʿUtba ibn Masʿūd, Khārija ibn Zayd ibn Thābit, and Sulaymān ibn Yasār (q.v.). See *EI* (2), Supplement, pp. 310–12. (81)
- al-Shāfiʿī, see Muḥammad ibn Idrīs al-Shāfiʿī
- Shams al-Dīn al-Birmāwī = Muḥammad ibn ʿAbd al-Dāʾim ibn Mūsā (or ʿĪsā) (d. 831/1428): Egyptian Shāfiʿī scholar and Shaykh al-Islam in his time. See *GAL*, ii. 95, S ii. 113. (138)
- al-Shaybānī, see Muḥammad ibn al-Ḥasan al-Shaybānī
- Shihāb al-Dīn Ibn Ḥajar (d. 852/1449): famous scholar and prolific author; Chief Qaḍī in Cairo during al-Rāʿī's time and one of his shaykhs in Egypt. See *EI* (2), iii. 776–9. (9, 20, 50, 59, 64, 70, 72, 95–6, 137, 139–41, 158, 168, 181)
- al-Shihāb ibn al-Khaymī (fl. before 708/1308): unidentified poet. (175)
- al-Shihāb al-Matbūlī = Aḥmad ibn Mūsā ibn Aḥmad (alive before 902/1497): Shāfiʿī scholar in Egypt at the time al-Rāʿī lived there. See *Dawʿ*, ii. 228. (9)
- al-Shirimsāḥī, ʿAbdallāh ibn ʿAbd al-Raḥmān (d. 669/1271): Egyptian Mālikī scholar who moved to Baghdad in the year 633 AH; author of a number of works, including *Naẓm al-durr fī talkhīṣ al-Mudawwana*. See *Dibāj*, 142–3; Makhlūf, i. 187; also *GAL*, S i. 300; *GAS*, i. 471. (20, 26, 31, 37, 43, 61–3, 66, 70, 85–91, 93, 95, 97, 99, 103, 161, 173)
- Shuʿba ibn al-Ḥajjāj (d. 160/776): Basran ḥadīth scholar. See *EI* (2), ix. 491–2; *GAS*, i. 92. (46)
- Sibawayhi (d. c. 180/796): grammarian. See *EI* (2), ix. 524–31. (116, 150)
- Sirāj al-Dīn al-Bulqīnī, Abū Ḥafṣ ʿUmar ibn Raslān (d. 805/1403): Egyptian Shāfiʿī scholar, “arguably the most prominent scholar of his generation” (Berkey, *Transmission*, p. 209). See *EI* (2), i. 1308; Ibn Qāḍī Shuhba, *Ṭabaqāt*, iv. 36–43; *Shadharāt*, vii. 51. (113, 115, 142, 147–8)
- al-Subkī, see Tāj al-Dīn al-Subkī
- Sufyān ibn ʿUyayna (d. 196/811 or 198): ḥadīth scholar based in Makka. See *EI* (2), ix. 772; *GAS*, i. 96. (2, 26, 28–31, 35, 37, 41, 46, 52, 54–6, 62, 73, 126, 146, 156, 162)
- Sufyān al-Thawrī = Sufyān ibn Saʿīd ibn Masrūq (d. 161/778): Kufan scholar and compiler of ḥadīth. See *EI* (2), ix. 770–2; *GAS*, i. 518–19. (2, 26, 30, 38, 41–2, 50, 54–5, 57, 73, 93–4, 107, 126, 146, 156, 168)
- Sulaymān ibn Yasār (d. c. 100/718): Successor; one of the Seven Fuqahāʾ of Madina (q.v.). See *EI* (2), Supplement, p. 311. (14, 30)



- al-Ṭabarī, see Muḥammad ibn Jarīr al-Ṭabarī
- Tāj al-Dīn ʿAbd al-Wahhāb [ibn ʿAlī] al-Subkī (d. 771/1370): Shāfiʿī scholar; author of, among other works, three *Ṭabaqāt* volumes (Greater, Middle and Lesser) on the biographies of Shāfiʿī scholars. See *EI* (2), ix. 744–5. (131)
- Ṭalḥa [ibn ʿUbaydallāh] (d. 36/656): Companion; one of the ten who were promised the Garden. See *EI* (2), x. 161–2. (88–9, 136)
- Taqī al-Dīn Abū l-Ṭāhir al-Khaṭīb = Muḥammad ibn al-Ḥusayn ibn ʿAbd al-Rahmān al-Maḥallī (d. 633/1236): Egyptian Shāfiʿī scholar; *khaṭīb* in the mosque of ʿAmr ibn al-ʿĀṣ in Cairo. See al-Subkī, *Ṭabaqāt*, viii. 48–60; Ibn Qāḍī Shuhba, *Ṭabaqāt*, ii. 83–4. (61–2)
- Taqī al-Dīn ibn Fahd, (d. 871/1466): *ḥadīth* scholar of Upper Egyptian origin who settled in Makka; father of Najm al-Dīn ibn Fahd (q.v.). See *GAL*, S ii. 225; *Ḍawʿ*, ix. 281–3. (158)
- al-Thawrī, see Sufyān al-Thawrī
- al-Tirmidhī (d. 279/892): compiler of a *Ṣaḥīḥ*, one of the Six Books of *ḥadīth*. See *EI* (2), x. 546; *GAS*, i. 154–9. (83, 178)
- ʿUbaydallāh = ʿUbaydallāh ibn ʿUmar al-ʿUmarī (d. 147/764): transmitter from Nāfiʿ (q.v.), among others. See *GAS*, i. 89. (55)
- ʿUbaydallah ibn ʿAbd al-Karīm al-Rāzī, see Abū Zurʿa al-Rāzī
- Ubayy ibn Kaʿb (d. between 19/640 and 35/656): Companion and renowned Qurʾan reader. See *EI* (2), x. 764–5; *Ghāya*, i. 31. (119, 175, 179)
- ʿUmar, see ʿUmar ibn al-Khaṭṭāb
- ʿUmar ibn ʿAbd al-ʿAzīz (d. 101/720): Umayyad caliph, 99–101/717–20; considered the “fifth” of the Rightly Guided Caliphs. See *EI* (2), x. 821–2. (69–70)
- ʿUmar ibn ʿAbd al-Wāḥid (d. 200/815–16 or 201): companion of al-Awzāʿī (q.v.) and student of Mālik. See *Tahdhīb*, vii. 479. (171)
- ʿUmar ibn al-Khaṭṭāb (d. 23/644): the second of the four Rightly Guided Caliphs, 13–23/634–44. See *EI* (2), x. 818–21. (39, 42, 69–70, 86, 88, 101, 103–5, 108, 119–20, 134, 136, 144, 175–6)
- ʿUmar ibn Yaḥyā ibn Saʿīd al-Anṣārī (d. ?): son of the Madinan scholar and *ḥadīth* transmitter Yaḥyā ibn Saʿīd (q.v.). (44)
- Umm Salama, Hind bint Abī Umayya ibn al-Mughīra (d. c. 59/679): Companion; one of the wives of the Prophet. See *EI* (2), x. 856. (121, 179)
- ʿUrwa ibn al-Zubayr (d. c. 94/713): one of the Seven Fuqahāʿ of Madina (q.v.). See *EI* (2), Supplement, p. 311; *GAS*, i. 278–9. (54)
- ʿUthmān [ibn ʿAffān] (d. 35/655): Companion; third of the four Rightly Guided Caliphs, 24–35/644–56. See *EI* (2), x. 946–9. (86, 88–9, 119–20, 134, 136, 144)
- ʿUthmān ibn Khurrazādh = ʿUthmān ibn ʿAbdallāh ibn Muḥammad ibn Khurrazādh (d. 281/895 or 284): *ḥadīth* scholar from Basra who settled in Antakya. See *Tahdhīb*, vii. 131–2. (50)
- Wahb ibn Kaysān (d. 127/744 or 129): Madinan Successor and *ḥadīth* transmitter. See *Tahdhīb*, xi. 166. (156)
- Wakīʿ [ibn al-Jarrāḥ] (d. 197/812): scholar of *ḥadīth* and *fiqh*. See *EI* (2), xi. 101; *GAS*, i. 96. (31, 46, 63)
- Warsh (d. 197/812): Egyptian *qārīʿ* who transmitted the Madinan reading of Nāfiʿ (q.v.). See *GAS*, i. 11. (183)
- Wuhayb ibn Khālīd (d. 165/781–2 or 169): Basran *ḥadīth* transmitter. See *Tahdhīb*, xi. 169–70. (162)

- Yaḥyā ibn Bukayr = Yaḥyā ibn ʿAbdallāh ibn Bukayr al-Miṣrī (d. 231/845): Egyptian transmitter of *ḥadīth*, and of the *Muwaṭṭaʿ* from Mālik. See *GAS*, i. 460; *Mad.* B ii. 528–9 / M iii. 369–71. (171, 181)
- Yaḥyā ibn Maʿīn (d. 233/847): Iraqi *ḥadīth* scholar. See *EI* (2), xi. 247. (30, 41, 55, 162, 171)
- Yaḥyā ibn Saʿīd al-Anṣārī (d. 143/760): Madinan Successor and *ḥadīth* scholar; *qāḍī* in Madina during the caliphate of al-Walīd (r. 86–96/705–15) and in Iraq during that of al-Manṣūr (r. 136–58/754–75). See *GAS*, i. 407. (40, 46, 49, 93)
- Yaḥyā ibn Saʿīd al-Qaṭṭān (d. 198/813): *ḥadīth* scholar. See *Tahdhīb*, xi. 216–20. (54, 59, 181)
- Yaḥyā ibn Yaḥyā ibn Bukayr [al-Tamīmī al-Naysābūrī] (d. 226/840): transmitter from Mālik. See *Mad.* B i. 407–9 / M iii. 216–18; *Tahdhīb*, xi. 296–9. (56)
- Yaḥyā ibn Yaḥyā al-Laythī (d. 233/847–8 or 234): Andalusian student of Mālik and transmitter of the *Muwaṭṭaʿ*. See *EI* (2), xi. 248–9; *Tahdhīb*, xi. 300–1; *Mad.* B ii. 534–47 / M iii. 379–94; *Dībāj*, pp. 350–1; Makhlūf, i. 63–4; also *GAL*, S i. 297; *GAS*, i. 459. (140)
- Yazīd ibn ʿAbdallāh [ibn Usāma] ibn ʿAbd al-Hādī al-Madanī (d. 139/756–7): Madinan transmitter of *ḥadīth*. See *Tahdhīb*, xi. 339–40. (39–40)
- al-Yazīdī: grammarian: either Yaḥyā ibn Mubārak ibn al-Mughīra al-ʿAdawī (d. 202/818) or one of his descendants. See *EI* (2), xi. 316–17. (150, 183)
- Yūnus ibn ʿAbd al-Aʿlā (d. 264/877–8): student of al-Shāfiʿī. See *Tahdhīb*, xi. 440–1; al-Subkī, *Ṭabaqāt*, ii. 170–80; Ibn Qāḍī Shuhba, *Ṭabaqāt*, i. 72–3. (71)
- Yūsuf ibn ʿAmr ibn Yazīd ibn Khurkhusn (or Khurkhusrū) al-Fārisī (d. 205/820): Egyptian scholar and companion of Mālik. See *Mad.* B ii. 461–2 / M iii. 284–6; *Tahdhīb*, xi. 420. (168)
- al-Zāhir Baybars (d. 676/1277): Mamluk sultan (658–76/1260–77) who founded the Zāhiriyya Madrasa in Cairo. See *EI* (2), i. 1124–6. (180)
- al-Zanjī = Muslim ibn Khālīd (d. 179/795 or 180): Makkan *faqīh*. See *Tahdhīb*, x. 128–30. (46)
- al-Zarkashī, Muḥammad ibn Bahādur ibn ʿAbdallāh, Badr al-Dīn (d. 794/1392): Egyptian Shāfiʿī scholar. See *GAL*, ii. 112, S ii. 108; Ibn Qāḍī Shuhba, *Ṭabaqāt*, iii. 167–8. (123, 125, 179)
- Zayd ibn Aslam (d. 136/753): Madinan *faqīh* and transmitter of *ḥadīth*. See *GAS*, i. 405–6. (94)
- Zayd ibn Thābit (d. between 42/662–3 and 56/675): Companion; the man in charge of compiling a fixed text of the Qurʾan during the time of Abū Bakr (q.v.) and then ʿUthmān (q.v.). See *EI* (2), xi. 476; *GAS*, i. 401–2. (72, 120)
- Zayn al-Dīn al-ʿIrāqī = Zayn al-Dīn ʿAbd al-Raḥīm ibn al-Ḥusayn ibn ʿAbd al-Rahmān (d. 806/1404): Shāfiʿī scholar of *ḥadīth* and author of the famous *Alfiyya* on *ḥadīth*. See *GAL*, ii. 65–6, S ii. 69–70; *Ḍawʿ*, iv. 171–8; Ibn Qāḍī Shuhba, *Ṭabaqāt*, iv. 29–33; *Shadharāt*, vii. 55–6. (8, 159)
- al-Zayn al-ʿIrāqī, see Zayn al-Dīn al-ʿIrāqī
- al-Zayn al-Marāghī = Abū Bakr ibn al-Ḥusayn ibn ʿUmar ibn Muḥammad ibn Yūnus ibn Abī l-Fakhr al-Marāghī al-Shāfiʿī (d. 816/1414): scholar from whom al-Rāʿī received an *ijāza*. See *Ḍawʿ*, xi. 28–31; Ibn Qāḍī Shuhba, *Ṭabaqāt*, iv. 7–8; *Shadharāt*, vii. 120. (8)
- al-Zayn al-Ṭabarī = Abū l-Khayr Muḥammad ibn Aḥmad al-Ṭabarī (d. 815/1412): Shāfiʿī scholar from whom al-Rāʿī received an *ijāza*; born in Madina, where he



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- also died, but spent most of his life in Makka. See *Daw'*, vii. 46; *Shadharāi*, vii. 112. (8)
- Ziyād ibn Sa'd [ibn 'Abd al-Rahmān al-Khurāsānī] (fl. second century AH): *ḥadīth* scholar from Khurāsān who lived in Makka and then the Yemen; one of Mālik's teachers. See *Tahdhīb*, iii. 369–70. (40)
- al-Zubayr [ibn al-'Awwām] (d. 36/656): Companion. See *EI* (2), xi. 549–51. (136)
- al-Zubayrī = al-Zubayr ibn Aḥmad ibn Sulaymān al-Zubayrī (d. 317/929): Shāfi'i *faqīh* in Basra. See Ziriklī, *A'lām*, iii. 42; Ibn Qāḍī Shuhba, *Ṭabaqāt*, i. 93–4. (107)
- al-Zuhri, see Muḥammad ibn Shihāb al-Zuhri

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- Bayān, see Ibn Rushd, *al-Bayān*
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